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By-Goodwin, Harold I., Ed.; Carlton, Patrick W., Ed.

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This conference report on militancy in education contains papers presented by experts in collective negotiations and seeks to present a balanced point of view of collective negotiations by involving teacher organization representatives, school administrators, school board members, and university faculty members. Topics covered include problems in professional and nonprofessional staff-board negotiations, relevance of private sector experience to teacher bargaining, role of State education associations, role of the American Federation of Teachers, the future of teacher negotiations, the anatomy of militant professionalism, rights and responsibilities of the various participants in negotiations, teacher militancy in New York, teacher-administrator-board salary negotiations in Oregon, negotiations in Montgomery County, Maryland, and negotiations in Canada. A panel discussion and conference summary are included. (TT)

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ABOVE THE SALT: MILITANCY IN EDUCATION

PROCEEDINGS

Mont Chateau Conference on
Collective Negotiations in Education

HAROLD I. GOODWIN
PATRICK W. CARLTON
Editors

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College of Human Resources and Education
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FORWARD

In the days of European yesteryear the supper table was divided according to where one sat relative to the salt. Those of low status sat below the salt and were forbidden its use. In terms of a place in the determination of their economic conditions, working conditions, and the policy process, teachers have traditionally been seated below the salt. But this Middle Age symbol of servility, long since as dead as knighthood across the seas, is destined to be cast aside by the growth of militancy among teachers who now want to sit above the salt. And so they shall.

The development of the materials contained in this monograph involved the combined efforts of one of the best balanced groups of experts in collective negotiations ever assembled under one roof, a situation which proved to be a source of delight for both the editors and the conference participants. This assemblage was not achieved without considerable stress, strain, and attrition during the formulative (and succeeding) stages, however.

Strikes in Florida and New Mexico, maternity in Pennsylvania, and sadly, death in Canada prevented four of the originally scheduled speakers from taking part in the conference. Fortunately, other equally strong speakers were willing to step "into the breach" with the end result that the conference was not appreciably damaged by what could potentially have been mortal thrusts to its programmatic vitals. Announcing changes in the program seemed a running practice. The only thing remaining constant during the conference was the splendid spirit and interest of the participants and the quality of the presentations.

H.I.G.
P.W.C.

March, 1968
Morgantown, W. Va.

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CONFERENCE THEME

by

Harold I. Goodwin

The objective of this conference is to introduce to West Virginia schoolmen the subject of collective negotiations in public education. In light of recent developments, the topic is highly relevant. We hope to present a balanced point of view by involving the major classes of negotiations participants: teacher organization representatives, school administrators, school board members, and university faculty members. By bringing together this array of talent, we endeavor to examine the factors which give rise to negotiations, an understanding of the major issues and problems from several perspectives, and through this process gain some insight into the means to accommodate changing relationships so that the teacher, the administration, the public through their elected board members and, of course, the students, mutually benefit.

There is an urgent need to recognize that with greater frequency and commitment teachers are marching to a different drummer, one whose roll signals the movement of teachers toward greater direct involvement in those institutional processes bearing on their economic welfare, their conditions of work, and their place in the educational policy process.

The changing nature of teacher methods for obtaining their economic and working conditions goals reflect the problem of redefining the historic roles of teachers, principals, superintendents, and school board member--a realignment of the duties, rights, and responsibilities of those groups of people. In essence, the redefinition is a major alteration of the traditional bases upon which the operational authority of the school system rests.

Not only is the authority base of historic roles challenged, but teacher collective negotiations is also a test of the school system's existing mechanisms to accommodate internal demands and strains without causing a state of school system dysfunction. Without question, the strike, or the application of sanctions, indicates that the existing mechanisms are proving inadequate, that old mechanisms must be modified, or new ones must be created.

Reassessment is not necessarily easy. But the beat of the drummer is growing louder. More and more teachers are tuning in. If we accomplish a perceptiveness by all classes of persons involved in negotiations of the basic issues at stake, and in understanding, followed by appropriate action, of the need to reassess the organizational roles and goals of those persons, we may have taken a step in the direction of preventing more Floridas, more New Mexicos and more Pittsburghs

Let us approach our participation in this invitational conference on teacher-schoolboard negotiations as an open-minded inquiry into the most appropriate ways for resolving legitimate teacher demands so that John Metzler's statement that the only word to describe the state of collective negotiations in educations is "chaotic" need never apply to your school systems.

MINIMIZING PROBLEMS IN PROFESSIONAL AND NON-PROFESSIONAL STAFF-BOARD NEGOTIATIONS

by

Robert A. Jamieson

It is a real pleasure and distinct honor to be invited to West Virginia in the environs of this fine institution of higher learning and to be among such distinguished company. The subject of "Minimizing Problems in Professional and Non-Professional Staff-Board Negotiations" is indeed timely and to say the least provocative. In this arena in response to new legislation the result of action by state legislatures and also new demands by teachers made without legislative support, boards of education have resisted this intrusion into their sphere of responsibility as another erosion of their authority--a real and ever-growing trend.

Many of our major problems in education today are discussed too much in terms of emotion and too little in terms of reason. This too is the danger inherent in teacher-board relationships. We, as boards of education, must preserve and extend our capacity for a rational persuasion about the most important questions facing us as we sit around the board table. In times of conflict we must avoid both ignorant change and ignorant opposition to change. When we lose our capacity to debate rationally we also solicit disaster and lose community confidence. The world is changing rapidly and some adjustments are necessary. How to make those adjustments without diluting our responsibility and authority, and at the same time enhance the welfare of the children entrusted to our care is the goal we must establish. There is no question that teacher organizations have moved faster than most boards have been willing to accept, and engulfed in the climate of social reform, new concepts of school administration are finding their place in the educational systems throughout our nation.

The tragedy is, like many teacher groups, we have arrived at these changing concepts without sufficient preparation and are trying to re-group for sensible and responsible action. Unfortunately, we are receiving more heat than light in the process. Many organizations we encounter use objectives the way an old man uses a lamp post--for support and not illumination.

Basic to this reasoning is the acceptance of the philosophy that the legal responsibility for the operation and the management of the public schools is vested in boards of education and this responsibility cannot be abrogated. However, in meeting this responsibility, it is desirable that a climate of mutual trust and dependability between the board and the staff be established and maintained, and this can be achieved best by maximum involvement of board and staff in the cooperative development and evaluation of the educational program and the personnel policies.

The role of the teacher in our modern society is not an easy one. In present day-to-day operations, teachers are asked to solve problem situations over which they have little or no control The rapid growth of school districts creates an impersonal relationship and subsequent problems of communication between teachers and decision-making personnel. Furthermore, schools have become the arena for such volatile issues as federal aid, civil rights and racial imbalance, separation of church and state, and war on poverty. Because teachers have been given little protection in this cross-current, their effectiveness has been reduced. There are academic pressures for quality education and, at the same time, an emphasis on the total education of all children. There are technological pressures for new math, teaching machines, television, language labs and computer programming. Finally, there are financial pressures which result from an archaic system of school financing, from demands to utilize the money available for new buildings to meet the population explosion, and from competition for the tax dollar by all governmental bodies.

Militancy of teachers is decidedly

increased by the developing conflict between the two organizations representing the teachers, which both depend on dues income and large representative memberships for their power. Boards have been led to believe that contract negotiations are needed to relieve universal dissatisfaction and solve problems that exist in education. Most of us who have been involved in the day-to-day operations are aware that communication problems exist. However, throughout our land there are many boards which have highly satisfactory working relationships with teachers without formalized collective agreements. Efficient and effective boards have always operated in this manner. The power play by competing unions which uses boards of education as the catalyst for conflict, ridicules the fiscal responsibility and conservative attitudes of boards, and makes charges, demands and promises, many without a foundation in truth or realistic hope of accomplishment, has had a divisive effect on the total school effort. Under these conditions immaturity was mis-interpreted as militancy and has caused serious results in the attempt to cultivate rapport between boards of education and teachers they employ. As Dr. Louis Pollak, Dean, Yale Law School, so aptly expressed it, "Whether a teacher's organization is a union or is a professional association, seems to be an important matter of mythology. The issue of whether an organization with which we deal, calls itself a union or calls itself not a union, is not of sublime importance. Whether an organization represents people who regard themselves as professionals--as I think our teachers do and should do and should be--whether an organization can properly claim to be active in a professional way for persons who are professionals--seems to me not a matter of labeling. It is a matter of how maturely in fact people behave."

Boards of education are caught in the middle in their attempt to effect mutually beneficial settlements which reduce these pressures, keep teachers relatively happy and at the same time fulfill the responsibility delegated to them by law. For those who are attempting to maintain the status quo, the battle is fierce--and for those who are attempting to influence the direction of change in this new challenge, the difficulty is our legitimate desire for discretion and flexibility in face of the desire of the teachers for certainty.

What then is our challenge and what is our role in meeting the challenge? Our challenge is to find the delicate balance between meeting the demands of teachers for more consideration in decision making and the demands of our constituents for not only educational but also social leadership. After all, most of us share the major objectives of teachers and confrontation takes place only when priorities must be established in relation to the funds available for their implementation. This problem of delineation is complicated but its solution is a major answer to the conflict. May I suggest briefly some positive actions boards can take to bring about some possible answers and crystallize some of my prejudices in the process?

It may be difficult for some board members to accept, but the hand writing is on the wall everywhere for eventual legislation for either permissive or mandatory bargaining with public employees. Now is the time to refrain from opposing all legislation to permit collective bargaining with teachers and actively influence, institute and mold, the kind of legislation you can support. Whatever legislation is not in the common interest, oppose it with all the forces you can muster. There are basic principles which can be applied to all legislation under consideration in many states, and for those areas where future legislation is only a matter of time. These principles should place a heavy emphasis on preserving the informal, cooperative voluntarism in local school districts, avoiding when possible intervention by outside agencies or persons, and minimizing costs in establishing and maintaining the formal relationship. It is hoped that by following these principles, school districts can evolve their own procedures without a complex, highly restrictive, formalized document which retards the desire or opportunity of some districts to develop their own relationships.

Proposed legislation should apply exclusively to teachers and boards of education and not group them with other employees; operate within the framework of the state educational agency or any agency created for this purpose other than the department of labor; cover all certificated personnel actually engaged in full-time positions which are not administrative or supervisory in nature; provide for exclusive representation by one organization; permit exclusive recognition by majority designation where no competing organization files in opposition; provide for negotiations on salaries, fringe benefits, complaint processing procedures, and related economic matters; prohibit strikes and provide penalties for non-compliance; provide mediation and fact-finding arbitration on non-binding recommendations; require a waiting period following passage to allow boards of education to prepare for the assumption of new responsibilities inherent in the legislation; provide a definite terminal date for salary negotiations; and finally, provide for a written agreement between the parties involved.

These items do not all meet acceptance by either teacher group but in the desire to obtain legislation and to recognize the value and right of teachers and professional staff to be heard on matters affecting the operation of our schools, there must be some framework within which to begin the process. In discussions that follow legislation, boards of education and teacher groups must demonstrate their belief that school policies, programs and solutions to problems can best be accomplished by working together in harmony and with respect for the roles of each.

Regardless of whether there is collective bargaining legislation or not, boards are responsible for creating a climate which encourages good educational experiences both for teacher and child. Management means more than authority--it means leadership. How long you will maintain your ability to manage will depend on how effectively you display courage, wisdom, vision and understanding of the feelings and aspirations of those whom you employ to carry on the affairs of the district. Keep in mind that no matter how well you execute the initial agreement, it is not a substitute for creating satisfactory relationships on a day-to-day basis, in every classroom in every building and from the central office. Only in its exercise of sound management through human understanding does a system acquire the respect and confidence of its faculty. In all fairness, when we, as school board members, have an election within our school district to select the bargaining representative for the teachers, the results of that election will be determined more by the record of your performance to date than what you promise to do in the future. Keep open the lines of communication without interfering with established lines of authority. Collective bargaining is the result of a situation, not the cause of it. Tolerance and patience are the order of the day. Real bargaining only takes place after each side has had an opportunity to "explode" as a part of the preliminaries. Once this experience is out of the way the day-to-day process of resolving the agreements takes place.

I would like to be very specific and practical for the next few minutes in outlining a procedure in the preparation for negotiations. The difference between successful negotiations and those that result in total confusion and much ill will on behalf of both parties often lies in the preliminary planning which precedes the actual bargaining sessions. Preparation is the single most important aspect of collective bargaining.

If teachers have not already demanded collective negotiations, the shcool board should take the initiative and make teachers aware that their representatives can bring their problems to the board for discussion through recognized channels. This does not mean, however, that the board should aid and abet employee organizations or create a type of company union.

If the teachers have already demanded that the board bargain collectively, the board should listen to these demands with a sympathetic ear and maintain an attitude of reasonableness and cooperation. The board should exhibit an awareness of the problems that exist and a desire to mutually resolve these problems. School board members with the proper attitude toward employee organizations will be infinitely more successful than those who regard the employee organization as a threat to the board's authority. In their relationships with teachers, board members should demonstrate a desire to be fair and reasonable. There are times when a board member will think that the teachers or their representatives are being totally unfair or unreasonable in their demands. This is not the time for the board to compromise its own standards, for to do so would only create more ill-feeling and justify further behavior of this nature on the part of the teachers. All parties need to take negotiation seriously and spend the necessary time to arrive at agreement.

The selection of the negotiator must be considered in any discussion of the preparatory steps in the negotiation process. There are many factors which affect the choice of negotiator, including the employee's choice and the size of the school system. The possibilities that are available include the school board as a whole, a committee of the board, the superintendent or one of his assistants, a principal or a group or an outside negotiator. Regardless of what group is chosen to conduct the actual negotiations, there must be unified control. In other words, on person should be placed in charge and all other members of the negotiating team should make suggestions to him and not to the opposite side. Any agreement or difference of opinion should be resolved in caucus so that the board can maintain a unified position. It is also of the utmost importance that the negotiating authority of the team be clarified so that the representatives of the teachers have confidence in the words and promises of the negotiators. It is also advisable, especially in the case of a neophyte school board, to obtain the assistance of any expert in this area even if that expert is not included on the bargaining team.

All boards need to be aware of dates which are of paramount importance if negotiations are to be conducted both properly and legally. Negotiations should be concluded on a date which will allow the school board a sufficient amount of time to issue and receive the teacher's contracts, which, in turn, must be accomplished a sufficient amount of time before the beginning of the school year. Another crucial element in the time factor is the legal procedure concerning revenues, which must be followed by the school board. The school board, being governed by the State statutes, must submit its budget during a specific period. The teacher organization will have to submit its proposals in time to allow for adequate negotiations to take place before the school board budget is submitted. An adequate amount of time must be allocated to the negotiations themselves and a sufficient amount of time must also be allocated to preparation. Almost invariably both school administrators and organizational personnel underestimate the amount of time needed for negotiations.

In order to insure a sufficient amount of time to meet all deadlines, an agenda should be developed. This agenda should always be worked out cooperatively by both the board and the teachers. It should contain a list of items presented by the teachers and a list of board demands as well as the amount of time allocated to each and the date on which it is to be discussed. The agenda must be somewhat flexible, yet firm enough to allow the negotiations to proceed at a steady pace.

The negotiating committee of the board should meet to discuss the board's proposals on anticipated issues prior to the meeting with the teachers. At these meetings, the team should identify and analyze each anticipated issue relative to cost, workability and degree of importance to the teachers. The team should then agree on its own proposals and establish a priority for each. It should also prepare counter-proposals to the teachers' demands and set forth its reasoning on every issue.

It has been suggested by some that the board decide beforehand as to what it considers bargainable items. It is my opinion that a board which tells its employees that it refuses to discuss certain issues will be creating an atmosphere of animosity and resentment which will destroy the entire relationship and result in undesirable consequences for both the board and the school system. The better approach would appear to be a willingness to discuss any and all items with the understanding by both parties that school boards are subject to and controlled by the State legislature which restricts their authority in certain areas by statute. This approach will result in a more responsible attitude on the part of the teachers and a more harmonious atmosphere in which to conduct negotiations.

Among those who have had successful experience in the formalized collective negotiations process, it is recognized that an informal procedure for improved board-administrator-staff relationships is available and when it is used, the scope of collective negotiations may be narrowed.

Teachers have special competencies which enable them to make significant contributions to the purely educational aspects of the school. Machinery may be established where the board, the administration and the staff consult on a regular basis concerning "What is good education for the district." These sessions occur in an informal setting and can result in improved education, board-administrator-staff relationships and school-community morale, and no formalized agreement is signed.

If such a procedure is successful, the scope of collective negotiations can be reduced to specific areas; primarily concerned with staff welfare--salaries, fringe benefits, the processing of grievances and a procedure to resolve an impasse.

After identifying probable issues and clarifying negotiating authority, it is necessary to collect and assemble factual data on each issue. Such data would include salaries in neighboring districts and in comparable districts across the country, costs or savings of proposed changes, the board's ability to pay, economic conditions prevalent in the neighborhood and community, agreements recently negotiated in comparable communities, working conditions in the particular school district, cost of living, the classroom and curriculum needs, etc. The negotiating team will also be interested in data pertaining to the teachers' representatives who are actually conducting the negotiations. What are their points of view, their arguments in the past and pressures on them? Since, very often, both the teachers and the school boards may need to have identical information, it may be feasible to conduct joint research to find the facts. Such research may include sending out a questionnaire, agreeing to study other districts, etc. Such cooperative endeavors should be encouraged. This type of activity has a unifying effect and helps to lower the barriers of suspicion between information obtained by each party. In addition, the results obtained probably will prove to be more reliable. After all, the chief goal is to reach an agreement, not to win an argument.

It should be strenuously emphasized that the board's negotiating team should not come to the bargaining table merely to respond. It must be prepared to initiate proposals of its own. The wise administrator will work with his administrative staff and be prepared to request changes in personnel policies to strengthen the system. He will also have anticipated teacher proposals and be prepared to respond to them.

The school grounds probably is the best place to hold the negotiation meetings. Although there may be some advantage to a more neutral location, there is also less convenience, especially for people living in a smaller community. The meeting place should be equipped with adequate facilities to handle both the negotiations themselves and provide space for caucuses, i.e. a separate meeting for the committee during negotiations.

It is strongly recommended that the actual negotiations take place in private rather than subjecting them to the public view. Although phrases such as "the public business must be conducted in the public eye" receive favorable response from the press, they have been found to be impractical and totally unworkable in a bargaining situation.

Paramount in developing policy through negotiations, the fundamental considerations of teachers, administration and board must be the educational welfare of the children. Policies regulating board-teacher-administrator relationships must be predicated upon this common interest. An atmosphere of cooperation and mutual respect will usually result when the joint efforts of all parties are focused on this prime objective and when reasons are given for recommendations made and for actions taken.

The grievance procedure is the core of the collective bargaining agreement. When handled properly, it is an effective safety valve in the discussion of employee problems. It is a protection not only for those in the bargaining unit but also for those on the board. For those districts which have failed to meet and confer with their teachers the grievance procedure is a mandatory means of communication and an unique means of becoming informed about the problems of the district. The board should not seek a confrontation with teachers during the implementation of the grievance procedure. Although the board cannot abdicate its responsibility to be a source for a final decision, entering the process at an earlier stage reduces the effectiveness of the procedure and limits the scope of the authority involved.

In the area of board relationships and in the anatomy of negotiations, semantics play an important part. There is a tendency to revert to industrial bargaining terms such as management rights, protective clauses and others that do not accurately reflect relationships and further induces antagonisms. Board prerogatives are those rights, or that authority, which enables it to successfully carry out its function of managing the school system. This functional rather than legal view of board prerogatives or authority is much more acceptable by teacher groups. I believe a board has sounder arguments when it regards itself as required to exercise functions in order to fulfill its responsibilities rather than having a divine right to manage. Delineation of terms is always difficult to express. We must, however, be able to differentiate between educational policy and terms of employment. Without this distinction, arguments and not agreements, will occur. Seeking a middle ground requires compromise which is the essence of collective bargaining.

Credence must be given to the "third party" in the agreement--the taxpayer and citizen who is ever-vigilant to your actions. He is never at the bargaining table except through you as his representative. He is a very complex person. The teacher and the board member are only partial participants and have authority for only partial claims. The "third party", the community, is also involved in the process of policy making. George W. Brown, Superintendent at Webster Groves, Missouri, had an interesting comment. He said, "it may seem peculiar, and unfair, but the general public will only support education if it benefits their children. They do not object if it also benefits teachers, but they will not pay the bill just to benefit teachers." Some changes may be necessary to bring professional goals and community goals closer together.

Collective negotiations can be as valuable for boards as for teachers. There is an opportunity during negotiations to press for your own demands and obtain changes which have been impossible for years but are now subject to bargaining procedures. Some boards have even questioned the propriety of tenure laws. If a bargaining agent has been selected for the first time, what former practices are to be maintained and what shall be a subject for bargaining? It might be an interesting experience in exploration.

Morris E. Lasker, Counsel for the New Rochelle Board of Education in his article The Influence of Bargaining on the Quality of Education, notes a favorable aspect of collective bargaining in addition to the improvement of teacher morale and the introduction of creative educational ideas. "The requirements that teachers through their representatives must, if they share power, share responsibilities, for making choices, imposes on the teachers and their representatives the necessity of considering the needs of the district as a whole. Collective bargaining should, and in my opinion, does force the parties to articulate a scale of values if for no other reason than the demands put forward almost inevitably exceed the resources available. The creation of such a scale of values is a maturing experience for those involved."

As Dr. Myron Lieberman has advocated, "tool up for action." Make your proposals known and assume an offensive position. Do not sit idly back and wait for things to develop, for you will not be long disappointed in your lethargy. Addicating your responsibility in this regard is a violation of a public trust.

As in the grievance procedure, do not enter into direct contract negotiations. The superintendent or chief administrative officer of the district or anyone delegated by him is your agent. Again, the position of the board is weakened by participation at a level which violates sound administrative procedure. Let us make it quite clear, school administrators can no longer equivocate as to where they stand in relationship to their role as agents of the board. Failure to accept this responsibility should result in the early termination of their services.

In the Chinese language there is a term Wai-Gi, which spells out--"in crisis there is opportunity." Whether boards of education are in a period of crisis regarding teacher relationships is a matter for each board to determine. However, I would like to suggest that opportunity has again been born out of conflict between boards and teacher groups, for as Doherty and Oberer declare in Teachers, School Boards and Collective Bargaining; "If teacher leaders and school officials learn to use this development wisely, it may prove to be the most therapeutic educational development of this century. If they do not, it may freeze into our system, more firmly than ever before, those personnel practices that can only lead to educational mediocrity." I would hope we would take careful stock of our past experiences. An unfortunate experience is not pleasant, of course, but it is even less pleasant if we fail to understand it and use it to improve our future relationships. In this sense then, we must maintain the rapport between boards and teachers without reducing the flexibility and interaction which are necessary in a professional effort, to a staid, restrictive formal agreement for collective negotiations. As Mrs. Radke, past president for the NSBA remarked, "It is time for teachers to decide whether they are calling for joint responsibility with boards of education--or whether they are saying we have joint concern with boards of education and we want our opinions to be heard and our counsel to be carefully considered before decisions are reached by the board. If it is the latter, boards can give this their support."

I guess what I have tried to convey tonight is this: The future of lay control of our local schools; this ability to weather the changes of social conflict, the patience, courage and understanding necessary to resolve the teacher militancy question; and above all, the ability to recruit and train others within our communities to carry on is in our hands, and ours alone. I am confident we will stand together and get this job done.

TEACHER BARGAINING:
THE RELEVANCE OF PRIVATE SECTOR EXPERIENCE

by

Robert E. Doherty

It takes a considerable amount of audacity for anyone to come down here from the state of New York, where things have not worked out very well, believing he can say anything important or refreshing about public employee bargaining. So while I am audacious enough to accept your kind invitation, I do not have quite the conceit to believe that anyone will take me as seriously as I take myself. Working with teacher organizations, school boards, and public agencies, as I have done over the last couple of years, is a sobering and humbling experience.

But even though I don't have the answers, I think I know what the questions are. And my chore today is to help you focus on these questions. Our focus will be sharper, in my judgement, if we look at the issues raised by teacher bargaining in the light of private sector experience. We do this not because everything that has happened in collective bargaining in industry is relevant or transferrable, but because public employee bargaining is an outgrowth of it. Moreover, most of the slogans, much of the rationale, and not a few of the techniques used by public employee organizations nowadays are borrowed directly from private sector unions. In other words, a great many public employee groups are persuaded that the private sector experience is almost entirely relevant.

Our over-all question, then, is to what degree it is appropriate to apply the private sector experience when we come to consider how best to deal with employee relations in the schools. It has been our national policy since the passage of the Wagner Act in 1935 that private employees working in industries engaged in interstate commerce have the right to form and join employee organizations and to engage in collective bargaining with their employers. Employers on the other hand have been required to bargain with organizations of their employees and to refrain from interferring with the rights of employees to join or support these organizations. Now we ask--should these same rights be extended to teachers and other categories of public employees? Is there sufficient similarity in the employment arrangements of teachers, and, say, automobile workers to grant them similar opportunities under law. Or is the teacher's position as a professional, employed in such a highly sensitive and important service as public education, so markedly different from that of the private sector employee that no real comparisons can be drawn?

In a way this question has already been answered. In ten of our states statutes have been enacted mandating some form of collective dealings for teachers. Procedures and mechanisms have been developed to deal with representation and bargaining problems. In other states the parties are merely permitted to bargain, if both sides agree that this is the way to handle their differences, and no mechanisms or guidelines are provided.

But while some states have decided that the employment arrangements of teachers and private sector employees are roughly comparable, and that, therefore, teachers should be extended similar rights, other states remain to be convinced. Evidently feeling that collective bargaining violates the principle of governmental sovereignty, the legislatures, or the courts, or the attorneys general in these states have maintained that teacher bargaining is illegal. It is an interesting footnote to history that many of the arguments decrying teacher bargaining which one hears today are strongly reminiscent of those advanced against the Wagner Act in the 1930's on the grounds that it violated property rights. I don't wish to push this analogy very far: public employee bargaining does raise some serious problems for the conduct of representative government, problems that are quite different from those created in the operation of a business enterprise. But still the arguments are similar. And the relevance of one for the other, to put it in a rather backhanded way, is the futility of both. History long ago rendered the property rights argument obsolete; it is rapidly closing in on the idea that the rights of the sovereign are inviolate. We shall probably have an increasing amount of bargaining, with or without the benefit of statute, and certainly without ever deciding whether or not private sector experience provides suitable precedents.

So we leave that question unanswered to move on to a related one that is almost as difficult: should teachers be treated interchangeably with other categories of public employees? In other words, if teachers are granted the right to bargain, should they be covered by the same statute, their conduct regulated by the same administrative agency, their activities governed by the same rules and regulations, say, as toll takers and sanitation workers?

If we are to be guided by practices prevailing in the private sector, we should have to conclude that there are not sufficient grounds to provide for separate treatment. Although national labor policy treats railway and airline employees separately (they come under the 1926 Railway Labor Act), clearly the intent of our public policy is to cover all private employees with the same umbrella--engineers and hod carriers, opera singers and coal miners.

As for lumping teachers together with other public employees, the arguments can be summarized as follows: there are more similarities than differences between teachers and other public employees; it is more economical to deal with all public employees, utilizing the same machinery and regulations, than to establish separate mechanisims; and if teachers have a right to claim separate treatment, why not give the same right to public health doctors and nurses, social workers, and parole officers? These occupations can make similar claims of professional status as well as to the "uniqueness" of their employment conditions. Of the ten states granting bargaining rights to public employees, four have evidently been persuaded by the above arguments. In Massachusetts, Michigan, New York, and Wisconsin teachers are treated the same as everyone else.

The arguments against dealing with teachers in the same fashion as other public employees are less obvious but not without force. Public school teachers are by far the single largest occupation in public employment.[1] It does not necessarily follow that separate treatment for teachers would open the door to a frenzy of statute building. There is also a certain amount of force in the argument that teachers occupy a uniquely sensitive role in our society. As Walter Oberer and I observed at another time:

> Teaching has become recognized as a profession because of the acknowledged importance of education to a democratic society. One way such a society seeks to deal with particularly important, sophisticated, and sensitive occupational persuits is to 'professionalize' these callings. This process of professionalization must be encouraged rather than eroded because of the increasingly complex character of modern society and the concomitantly increasing necessity for higher standards and self-policing of strategic callings. To the extent teachers are treated funglibly with other employees, are dealt with in the matter of collective negotiations by the same agencies, standards, and procedures, to that extent the professionalizing force will be dulled and perhaps ultimately lost. Typical employee goals and standards may replace typical professional goals and standards, with a stronger tendency to collective protection of mediocrity, even incompetence, as opposed to collective encouragement of aspiration toward excellence, of the seeking of prestige and personal satisfaction through service rather than mere material reward.[2]

So run the arguments for and against the relevance of private sector experience on coverage. You pays your money and you takes your choice.

A similar question, though more narrow in scope, is the relevance of private sector experience concerning the composition of the bargaining unit. Which categories of employees shall be covered by the collective agreement? More specifically, should supervisors be included in the same unit as the supervised? If we were to take the National Labor Management Relations Act and the several state labor relations acts as our guide, we could easily answer the question in the negative and go on to the next issue. The LMRA not only excludes supervisory employees from the non-supervisory unit, it leaves supervisors outside its protection.

Four of the states with legislation covering teachers bargaining rights make similar exclusions, either by the statute itself or by subsequent court rulings. Presumedly, the legislatures in these states felt that the reasoning of the framers of the LMRA (supervisors are an integral part of management) is as appropriate to the public service as it is to industry.

The remaining states with teacher bargaining statutes apparently believe otherwise since in these instances all certificated personnel, with the exception of the chief school officer, are covered. In two states, Connecticut and New York, the question of including or excluding principals and other supervisory personnel is treated on a case-by-case basis.

It is one of the many ironies of teacher-school board negotiations that the argument over the exclusion of supervisory personnel has made ideological bedfellows of school boards and the affiliates of the American Federation of Teachers. Board members, if I might generalize from the modest experience I have had arbitrating representation disputes, seem to prefer exclusion believing, evidently, that the line officers cannot identify strongly with the sometimes obstreperous troops, and at the same time remain loyal to the top command. The Union employs much the same ideological argument, conceding that while there is a strong community of interest between all members of the educational enterprise, there are times when the interests between employers and employees diverge. Unit lines, their argument goes, should be drawn sharply enough to accommodate these conflicting views and interests. The fact that Federation affiliates don't have many members among supervisors anyway merely adds grist to their mill.

Local Associations, on the other hand, often seek bargaining units consisting of virtually all certificated staff members. This, of course, is largely because so many supervisors are Association members. But there is more to it than that. There are a great many differences between education and private employment in supervisor and non-supervisor relations. Education is more of a cooperative venture, calling for closer relationships and a higher degree of mutual respect than prevails in industry. Excluding supervisors from the unit could have a divisive effect on the conduct of the educational enterprise. It is also alleged that we do not yet know enough about public employee bargaining, certainly we don't know enough about teacher bargaining, to assume that private sector practices offer a suitable guide.

It is true, I think, that we don't know enough about this question to establish hard, fast, and inflexible rules and regulations. We need experimentation. But I offer the following bit of information for what it's worth: In the two states, Connecticut and New York, where experimentation on unit questions has been encouraged by statute, there seems to be a significant trend away from including supervisors in the bargaining unit.

Another experiment going on under the general rubric of representation issues is concerned with the mode of representation. Should we follow the private sector example and provide for exclusive representation, whereby a single employee organization with majority support is the sole bargaining agent for all employees, regardless of membership? Alternatively, should there be some multiple type of representation, for members only, proportional, or by a teachers' council elected at large? California and Minnesota are presently experimenting with proportional representation, and Oregon with the council. In New York the statute seems to allow for a variety of methods, although virtually all school boards and teacher organizations have to date opted for exclusivity.

I would hope that those of you from states where there is not as yet a statute will watch all these experiments closely. You might come up with the answer to the question that has been plaguing me: Are the experiments now going on in Oregon, California, and Minnesota imaginative and constructive devices for resolving teacher-board difference or as the critics allege, merely techniques designed to divide the teachers and render impotent the considerable amount of potential power they now possess?

Although we might disagree over the amount of relevance private sector practices have for the previously discussed questions, I believe we shall have to conclude that experience under the LMRA is highly relevant to our next issue. I refer here to the controversy over the "scope" or "subject matter" of collective bargaining. The LMRA, like most of the teacher bargaining statutes, obliges the parties to negotiate over "wage, hours, and other terms and conditions of employment." It is the later phrase, terms and conditions of employment, that causes us trouble. What does it mean? Generally employers tend to interpret the phrase narrowly while employee organizations hold that no meaningful limits can be set on bargaining subject matter. Employers maintain that certain management prerogatives must be retained if the enterprise is to function efficiently; unions argue that management prerogatives are merely a state of mind, not statements of immutable facts.

In the private sector this problem is dealt with by an unfair labor practice charge of a refusal to bargain. It is up to the administrative agency, and behind it the courts, to determine whether a given issue is a proper subject for bargaining. Over the years the NLRB and/or the courts have ruled that such issues as subcontracting, plant relocation, bonuses, merit plans, even the amount of rent a company can charge for company owned houses are an integral part of working conditions and are therefore negotiable. In other words, these issues have become mandated, the parties are free to bargain over them to impasse. Should there be a strike or lockout, such action would not be adjudged an unfair practice.

The parallel between the private sector and the public schools is apparent. Teachers and school boards have profound differences of opinion over which items are negotiable. Indeed, there are probably greater differences of opinion over the appropriate subject matter of negotiations in teacher bargaining than any other collective bargaining arrangement. Teachers sometimes argue that since virtually all board decisions have an effect on working conditions, few issues, if any at all, should be kept from the bargaining table. In Rochester the teachers are presently demanding that before the superintendent's contract can be renewed this decision must be reviewed by the teachers association. Presumedly the calibre of the man standing at the helm can influence the working conditions of the crew.

More to the point, the subject matter question in teacher bargaining has already become very analogous to private sector practices. A Wisconsin Circuit Court ruled recently that the makeup of the school calendar was closely related to working conditions and consequently was an appropriate issue for bargaining.[3] In Michigan the Mediation Board decided not long ago that the parties may bargain to impasse over such issues as binding arbitration of grievances and the agency shop.[4] In short, private sector experience on the matter of bargaining scope is highly relevant. Some of us might not like the lessons it has to teach, but we would be wise to learn them anyway.

Important as the questions of coverage, representation, and bargaining scope might be, these are relatively insignificant issues when contrasted with the problem of resolving negotiating impasses. In the private sector the parties are free to use the ultimate weapons in their respective arsenals, the strike or the lockout, to induce a settlement. The motive power is essentially economic; both the employer and the union can weigh the cost of settlement against the cost of the strike in rather clear economic terms. The employer will attempt to calculate whether it would cost him more to accept a settlement close to the union's demands, or take a strike and perhaps settle closer to his own terms. He may calculate incorrectly, but he at least can make judgements that are grounded on some rather specific economic interests: his loss of profits in the event of a strike compared to the cost of the new wage bill without a strike. Union leaders also attempt some rather careful calculations. Acceptance of a settlement well below the union's final demand is a cost that must be weighed against the cost of a strike which would presumeably bring the company's offer closer to the union's terms. In other words, workers usually get more of they strike, but the strike costs them something in the process.

Thus the private sector strike is essentially an economic matter, similar, in a way, to a situation whereby a potential buyer of a used car refuses to do business with the seller because the two of them cannot agree on the price. And since the strike is a private matter between two parties, we believe the public has no right to intervene, unless of course a continuation of the stoppage would jeopardize the health and safety of the wider community. Intervention is rare (there have been only 28 national "emergency" disputes since 1947) because we operate under the assumption in the private sector that when a strike does interupt a service or prevents the distribution of a commodity, alternative services and commodities are still available. If Ford is on strike, we can always buy a Cheverolet: if the airline workers are out, we can take the train, ride a bus, or drive that new Chevy.

Indeed, both parties to collective bargaining are keenly sensitive to the restraints of the market place. Unions are not interested in forcing employers out of business, or even driving substantial numbers of the employer's customers into the arms of non-union competitors. Employers know that a long strike might drive customers away forever.

What are the cost considerations in teacher-school board bargaining? What kinds of economic calculations do the parties make as they prepare their bargaining strategies? There is this similarity: teachers do take the risk of being heavy cost bearers. If the strike is long and the concession won very small, they have miscalculated badly.

But what about the board? Aside from the re-allocation of resources that tough bargaining sometimes imposes (curtailment of some actual or projected services to provide funds for higher salaries) the impact of the strike on the board seems to be essentially political and psychological. Boards have no profits to consider and certainly no loss of markets to worry about. Rather than concern itself about how best to run an enterprise to get money, a board's primary concern is how it can get the necessary money to run the enterprise. What a board fears is dysfunction, the temporary breakdown of the system. The chief purpose of the public sector strike is to create this dysfunction.

Another important difference between public employee strikes and private sector stoppages is that the immediate and direct cost bearers are the consumers of the public service. Unlike situations in the private sector, alternative services are not usually available in public enterprises, and consumers must therefore just do without. The problem takes on an added poignancy when we consider that in the four most recent public employee strikes in New York City (welfare, transit, sanitation, and public education) the heaviest cost bearers were the poor. The well-to-do- send their children to private schools, burn their garbage in fancy incinerators, stay home from work (without loss of income) if transportation is difficult to secure, and, of course, none of them are on relief.

The public interest is difficult to define and all but impossible to locate. But we nevertheless assume that it is always there lurking in the shadows, ready to assert itself at the propitious moment. The crisis brought about by frequent disruptions in public service makes us wonder if that moment has not arrived. If it has, what public interest standard should we apply? There are many, but foremost, I think, is the belief that there are certain limits as to the amount of concerted pressure a democratic political structure can tolerate. As Kurt Hanslowe has observed:

> At some point the risk arises of a dangerous dilution of governemntal authority by its being squeezed to

> death by conflicting power blocks. If that point is reached, foreign policy is made by defense industry, agricultural policy by farmers, and public personnel policy by employee organizations, and not by government representing the wishes of an electorate consisting of individual voters. If that point is reached, an orderly system of individual liberty under lawful rule would seem to be the victim. For surely it is difficult to conceive of a social order without a governmental repository of authority, which is authoritative for the very reason that it is representative and democratic.[5]

Yet it is argued that if we open the door wide enough to admit public employee bargaining, how can we close it to the strike? If we take the position that bilateral determination of teachers' employment conditions is sound public policy, how can we deny to one of the parties its most important source of persuasion? This seems to leave the whip hand where it has always been--with the school board.

The statutes providing for public employee bargaining have declared the strike illegal and some have provided "alternative" methods of dispute settlement: mediation, fact finding, advisory arbitration. Now we seem to be moving toward compulsory arbitration. The difficulty with the first category of settlement devices is that there are not really substitutes for the strike since they still leave final authority with the employer; the trouble with compulsory arbitration is that rather than being a substitute for the strike, it will probably replace bargaining itself. Moreover, what if the arbitration award is truned down and the employees strike anyway, believing that such action will induce the arbitrator to sweeten the ante? Public employees have shown an increasing tendency to ignore injunctions against striking; what is it about an arbitration award that would make them any more law abiding?

And is it true that the public interest is always damaged by public employee strikes? Might there not be occasions when short-term disadvantages to the consumer result in long-term advantages? If among the settlement terms of a welfare strike, for example, it is provided that the case loads shall be smaller than previously, could it not be argued that the welfare recipient is the chief benefactor? Or take the case of a teachers strike that results in a salary scale reducing turnover, in smaller classes, in more teacher aides and fewer onerous non-instructional chores, in more protection from administrative whim or favoritism. Are not the students the chief beneficiaries? They may have born the initial cost, but have they not also reaped certain rewards?

Why then not make teacher strikes legal? Certainly it would eliminate the sham bargaining that goes on nowadays in so many school districts. But more important, it would cease to make law breaking appear virtuous in the eyes of school children. For when teachers do strike in violation of law, win substantial benefits thereby, and then suffer no penalties, they provide a lesson in realpolitik for their students that will not soon be forgotten. Legalizing the strike would at least get rid of that problem. For surely we are going to have more strikes, whether we legalize them or not.

I realize that this analysis sounds uncomfortably close to the "You might as well relax and enjoy it" school of social philosophy, and let me say that I do not necessarily subscribe to it. But neither do I know what the alternatives are.

Indeed, as I said at the beginning, I don't pretend to have the answers to any of the questions I pose. No doubt private sector experiences have a certain relevancy for the management of our affairs in public education. Just how relevant these experiences are is an issue that will probably eventually be worked out in the real world of pressure politics and naked economic power. I have very serious doubts that the words of sweet reason so characteristic of the utterances of college professors will prevail. Perhaps the best we can do is point out to teachers, administrators, and school board members as forcefully as we can that they are not the only ones involved in this problem. We all have a stake in it.

DISCUSSION

Question: If supervisors and teachers are *separated* in negotiations, will they still be tied together with some kind of salary index?

Dr. Doherty: New York has a law that ties the *principal* salary to the teacher salary schedule. But a variety of patterns has emerged. For example, sometimes the administrators and the teachers are in the same bargaining unit. In other cases the administrators are excluded and just the teachers bargain. When the administrators organize their own organization and bargain for themselves, their goal is to exceed the minimum. After all, the teacher salary law is a minimum ratio, not the maximum. One of the problems in New York is that principals often joined teacher units for bargaining, but soon wished that they had not done so. The interests of the teachers, who greatly outnumbered the administrators, were not seen as furthering the salary interests of the administrators.

Question: But if they are tied to the teacher *schedule*, they can just sit there and encourage the teachers to fight for higher wages, can't they?

Dr. Doherty: Yes, that is true. However, *many administrators* want to go *above* that minimum increment.

Mr. Jamieson: There is a definite division *between the* management and the rest of the individuals in the organization. The direct responsibility for the implementation of district policy is delegated in considerable measure to the superintendent, the assistant superintendent, the central administrative staff, and the principals. Without this relationship you do not know where responsibility lies. These people are knowledgeable in terms of the problems of the district and they should be a part of the negotiation *team*. They can assure free and complete *interchange* of information throughout the district appropriate to intelligent action required in the negotiating procedure. I have no doubt, however, that the bargaining *unit* should *not* include principals, assistant *superintendents*, central staff, and the superintendent. Most school boards would prefer this kind of a relationship.

One of the forgotten individuals in this whole process, and I blame certain school boards for this, is the building principal. He is the one in a vacuum. I believe he must be part of the bargaining *team*. He is one who brings in considerable *information*. I do not think he can be a part of that group that is the bargaining *unit* because of the problems in bargaining *for* the policies and then trying to administer them. Furthermore, I think it would be an unfortunate situation if a strike were to occur and the principal of a building had to carry a picket sign in front of the school. One of the great problems is the need to delineate the role of the administrator in the negotiation process.

Question: I guess the question is what is *negotiable* and the answer is that almost anything is negotiable.

Dr. Doherty. The states of Washington and *California* do list the whole range of things that are negotiable. In neither state is the board required to negotiate in good faith, whatever that term has come to mean in negotiations. What we will probably discover, at least in those states where the courts have appellate jurisdiction over the statute, is that there will be differences of opinion and impasses as to what is negotiable. It will usually be the employee that wants to talk about more things than the employer does, with the latter indicating that many of the employee demands are management rights. Where disagreement persists, appeal to higher authority will probably be used as it is in the private sector.

Mr. Jamieson: For years in Illinois we *thought it* was not even permissible to bargain with governmental employees. The Chicago teachers went to court and it was held that it was permissible to negotiate between boards and teacher groups. It was also held that if you did negotiate you must do so on *all* items. They did affirm the decision *of* the Chicago Board of Education to be final and that any fact finding and arbitration would have to be non-binding. It was appealed and went to the Appellate Court where it was upheld. Certain groups took the decision to the Illinois Supreme Court on the question of constitutionality. That court sent it back indicating there was no question of constitutionality. This is the court interpretation in Illinois as to what is bargainable.

Boards of education derive their

authority from the state legislature and their plenary powers are not fully defined as to what they may give away and what they must retain as their responsibility. This is a nebulous area and we are not always sure where we stand. But boards that hold, for example, that they cannot do something because it is illegal had better examine that position and know whether or not it is illegal.

Question: For how long a period should you negotiate a contract?
Mr. Jamieson: There is a very practical application to that. In Illinois boards are restricted in what financial relations they can be involved in and that is a statutory limit of three years.

Question: What about the future of separate bargaining for supervisory employees?
Dr. Doherty: It has a big future in New York. On the basis of sound administration, most boards do not like to have their top administrators included in the bargaining unit. It creates some undesireable situations. As I indicated before, the supervisors are finding out that they are not getting the kind of representation they might get because they are so outnumbered. Generally the administrators are opting for their own bargaining units to look out for their own interests. I think there is another problem to that question. Collective agreement can solve some problems but it can also create some. What many principals in New York are asking for is not necessarily the right to veto clauses in contracts, but the right to review the contract before final agreement is reached to see what kind of problems they might create. They feel they have more muscle to do that as an independent group than if they are integrated with the teacher groups where they can so easily be voted down.

Footnotes:

1 U. S. Department of Commerce, *Public Employment in 1966* (Washington: GPO, 1967), Series GE-No. 4, p. 9.

2 Robert E. Doherty and Walter E. Oberer, *Teachers, School Boards and Collective Bargaining: A Changing of the Guard* (Ithaca: ILR, Cornell, 1967) pp. 59-60.

3 (*City of Madison vs. Wisconsin Employment Relations Board*, Dane County Circuit Court, Case No. 121-135, April 26, 1967)

4 *Government Employee Relations Report*, No. 227, January 15, 1968 pp. F-1 to F-21.

5 Kurt L. Hanslowe, *The Emerging Law of Labor Relations in Public Employment* (Ithaca: New York State School of Industrial and Labor Relations, Cornell University, 1967), p. 114.

THE STATE EDUCATION ASSOCIATION AS AN INSTRUMENT FOR CHANGE--EMPHASIS NEGOTIATIONS

by

Kenneth Melley

It is an honor to be at your collective negotiations conference and relay the message of a state professional education association. I am particularly delighted to represent the new, militant association that we have been reading about lately. Perhaps I should qualify the term "new militant" in terms of experience in this arena, for in associations across the country there are the "old militants," and thank heaven for them, for they have paved the road that we follow today, collective negotiations.

As a field representative of a state that had one of the first teacher-negotiation laws in the country, it is plain to see, when one examines the history of teacher-school board relations in Connecticut, why there was a basic need for legislation to guarantee negotiations. There is basic evidence to prove that years of paternalism by superintendents and boards of education had created as relationship between employee and employer that exhausted the tolerance level of the teacher.

We went through a miserable time period of so-called "co-operative determination" which smacked in every sense the characteristics of paternalism. The one major difference between the two was that the school board and superintendent under cooperative determination would let us come in, sit down at the table, listen to our comments, then proceed to tell us what we would be getting. Under paternalism they just told us what we were getting.

Connecticut, as are a dozen or so more states, is now in a third stage in teacher-school board relations that could easily be the topic of our conference this weekend: projection to and the implications of statewide negotiations for teacher benefits and/or the possible complete control of the operation of public schools by professional educators. That may be a short distance into the future. I would like to break my topic down into four categories: where we were; where we are; what we have done since we "arrived;" and what we expect to do in the future.

Where We Were

Some seventeen years ago, after a declaratory judgment of the Connecticut Supreme Court of Errors ruled that teachers may organize but may not strike, the Commissioner of Education, Finis Engleman, established a committee to study and recommend some basic principles to be followed in teacher-school board relations. I am sure you are all aware of the facts behind that declaratory judgment. It was taken from the famous Norwalk Teachers Association vs Board of Education of the City of Norwalk case of 1951. A case, by the way, that stemmed from the "old militant" action strike of 1946.

Briefly, this committee, composed of representatives of both teachers organizations, the school board association, superintendents associations and the State Department of Education, and also interested lay citizens did after five years of study come up with some recommendations that the State Board of Education eventually endorsed--in principle. On paper the so-called Bulletin 85 represented a fair and equitable process to have a teacher organization selected for representation, negotiate with the board to an agreement, and have dispute resolution channels. That was in 1957.

Unfortunately, the permissiveness of this recommendation procedure was a one-way street. More than half of the local boards of education refused even procedural recognition of Bulletin 85, and of those that did, a majority paid nothing more than lip service to its recommended principles. Bulletin 85 failed the teachers of Connecticut, but it did not fail because of the teachers. To those teachers in states without negotiations statutes, we recommend that you would be better off to stay with paternalistic ways, for you know perfectly well where you stand, than to get caught in the sham of "co-operative determination." It simply does not work.

Where Are We

In June of 1965 the General Assembly of the State of Connecticut passed into law legislation dealing with teacher negotiations rights. The Connecticut Education Association, combined with its local affiliates, was primarily responsible for the introduction and passage of this legislation. If not already, in a few years to come, this bill will represent one of the most significant pieces of education legislation ever placed on the books. This may seem to be a gross overstatement, but in town after town, and in city after city, the combined educational changes of the past two decades do not match what we have done in the period of June, 1965. The negotiation statute provided: (1) the board of education must negotiate with respect to salaries and all other conditions of employment, (2) the board of education must negotiate with any representatives the employees designate or elect, (3) the board of education must meet at reasonable times, including meetings appropriately related to the budget-making process, (4) the board of education must confer in good faith, although neither party is compelled to agree on any proposal, (5) the board of education must execute a written contract incorporating any agreement reached, (6) any disagreement as to the terms and conditions of employment shall be submitted to the State Commissioner of Education for mediation, (7) if such mediation fails, either party may submit the unresolved issues to an impartial board of three arbitrators for an advisory decision, and (8) no professional employee shall engage in a strike or a concerted refusal to render services.

The law was amended in 1967 to clarify some of the designation and election procedures, plus supplementing the negotiations clause to read, "the board of education and the organization elected as the exclusive representative shall have the duty to negotiate with respect to salaries and other conditions of employment about which either party wishes to negotiate."[1]

What have we done as a state education organization since the passage of the law? From a purely organizational standpoint, we have: (1) increased our membership, (2) increased our dues, (3) increased our staff, (4) increased our militancy, and (5) increased the lot of teachers. This is called the "success cycle." In other words, we are on the move in Connecticut where over twenty thousand teachers are covered by comprehensive, written group agreements. We have these agreements in towns with as few as eight teachers and as many as fifteen hundred teachers. We have them in federally-funded projects and in districts incorporating as many as seven different towns. We have them for teacher groups and we have them for administrator groups.

All this was possible because of our forward-looking statutes. In 1965 boards were saying, "You have the right to negotiate working conditions, but you do not have the right to negotiate all the working conditions." But we said in the 1967 law that we do have this right. We do not want to preclude any statutory prerogatives of boards of education, but we want to be a party to the decision-making that influences the welfare of children and teachers in our state. From the above you can see that we have been a determined party to these decisions.

And we have just started. Our immediate short-range goal is to get every Connecticut teacher covered under the terms of a group contract. Nor is our method of attack a secret. Like most other state associations, we hold frequent negotiations workshops for our local leaders. The technique used to gain one success is shared by all and specific training for responsible bargaining is highlighted. With a staff of five fulltime negotiators on our staff, and two part-time, we manage to sit in with almost every local during the course of negotiations in either an advisory capacity, as a member of the negotiating team, or as the chief negotiator.

This immediate contact with local associations has been most beneficial to our groups, for it allows the representatives of the state organization to keep his finger on the pulse of teacher attitudes and opinions. The "keep up with the Jones" technique is a result of this type of activity, also. Believe it or not, most boards of education are more responsive to the argument--the teachers in another town have this, why can't we--than they are in sensible, rationale approaches based upon hours of statistical analysis and honest-to-goodness evaluation of its position.

We are extremely fortunate in Connecticut in that, as poor as it is, our system of internal communication between local and state organizations is well ahead of what any local board and the state association of boards provide. This is no secret. Possibly one of our peripheral contributions will be to force boards of education to communicate with one another.

In sum, then, the state association provides its locals with: (1) legal counsel when requested, (2) negotiations assistance, (3) workshops and material, (4) statistical research, and (5) a great deal of encouragement. Our record points to the impact of this program in such a short period of time.

But everything is not as "peaches and cream" as I make it appear. We have had negotiation disputes that have had to seek remedy through the law. As was mentioned earlier, any disagreement as to the terms and conditions of employment shall be submitted to the State Commissioner of Education for mediation and, should that fail, either party may submit the unresolved issues to an impartial board of three arbitrators for an advisory decision.

We have had thirty-five such disagreements submitted to mediation since June of 1965. The State Commissioner of Education has assigned four or five of his staff to handle the requests for mediation. In the first year the Commissioner participated in a majority of the mediations, being the chief mediator in at least six disputes. In all, twenty-one of the mediation sessions successfully resolved the disagreement, with fourteen of the remaining proceeding into advisory arbitration. Eleven of these disagreements were resolved through the acceptance of the arbitration decision, with one coming at the eleventh hour after the teachers had voted not to return to school at the opening of this school year. Another arbitration decision was accepted by the parties but the board of education reneged on the full implementation of the decision months after the pact was decided.

This past January we had a strike in Waterbury. As unusual as it may appear, the strike resulted from an agreement between the board and the Waterbury Teachers Association, not over a disagreement. The WTA and the Waterbury Board of Education agreed upon a salary schedule to be implemented in two stages. The first stage was to start January 1, 1968 and the second stage September 1, 1968. As you may know, school boards in Connecticut are fiscally dependent upon the local finance board or agency. In this case the Waterbury Board of Alderman acting as the Finance Board refused to come up with the money to fulfill the contractual obligation set by the Waterbury Board of Education. The teachers voted overwhelmingly to strike. Much to our desire, the school board officially closed the schools after the strike vote, resulting in a technical lockout and preventing the city authorities from enjoining the teachers. The Waterbury Board of Education and the WTA reached an agreement that the teachers would return to work and the Board of Education would enter a suit against the Board of Finance for the necessary monies to implement the contract. We are looking forward to a major precedent being set if and when a decision is rendered.

What Have We Accomplished

It would probably be best to list the variety, frequency, and degree of articles or clauses found in our contracts. That would be extremely time consuming so I will limit my remarks to a few that are of special interest here.

Grievance procedures in group contracts. For the most part, we have discovered that the presence of a grievance procedure has done wonders in eliminating petty gripes that when looked at individually expose their shallowness, but when allowed to expand and be manifested with others, creates a monster of a morale problem that divides teacher and administrator, teacher and teacher. A sane and sensible way of resolving a problem through a prescribed procedure lends itself to the decrease in the number of petty gripes. In the eighty-six contracts we have at this time, all but a few have grievance procedures, and twenty-five of these have final and binding arbitration.

Class size. In most cases we have what I call "hooker clauses;" that is, the "where-ever-possible" and "if feasible" types of clauses in the contracts. But major headway is being made to reduce class size to a maximum of twenty-five.

Textbooks. Although the ultimate decision of textbook selection rests with the schoolboard, teachers are finally being a party to the selection of textbooks. This had been an irritating problem in several school districts in which books would be changed without notice or consideration of those who work with them. We now have textbook clauses that guarantee that every child will have his own text in each course. This is a milestone in some of our communities.

Staff meetings. We have built into contracts a stipulation that there shall be one teachers' meeting per month that is not more than one-half hour in length. There has been much criticism of this, but it was designed to remedy situations in which no staff meetings took place, thus depriving the teachers of a legitimate means by which they might air differences and problems.

There are many other areas of interest, and just to list a few of them for illustration: school year, promotions, duty-free lunch, preparation periods, substitute teachers, sick leave, jury duty, conference leave, and evaluation procedures.

Where Do We Go From Here

On the topic of the future of the organization as an instrument of change, my belief is that negotiations on a local level will have a dramatic impact on a state association's most powerful weapon, state legislation. In the years past, the state association shared its lobbying concern with various and sundry programs such as state aid to education, teacher retirement, certification, tenure, and so forth. The negotiations statute has now placed a great deal of responsibility in the hands of local associations that they, at one time, relied heavily upon as a state association responsibility.

Specific benefits such as minimum sick leave, length of duty free lunch, severance pay, or supplemental retirement allowances are a part of local association negotiation programs. In due time these benefits will develop from one town to the next, such as salary schedule increases now do. As a result of this, the state association will then be allowed to concentrate its full lobbying efforts on resource programs for financing the educational structure of the state while maintaining a minima of teacher welfare benefits through legislation.

What does the future hold for us? Without question there will be an increased number of teacher walkouts in the future. We have not yet arrived at the termination of the accusation cycle in which boards, administrators, teachers, parents, and politicians accuse each other of irresponsibility and incompetence. Until this cycle ceases and it is recognized that teachers are responsible and want a part of the responsibility of a school system, teacher militancy cannot be averted.

DISCUSSION

Question: What is happening in middle-management? Are you excluding them or are you attempting to cover them?

Mr. Melley: Unfortunately, I foresee in the future one association made up of teachers. This is coming. There is no question of it in my mind. We have been fighting it. We have been fighting to retain a united profession below the rank of superintendent. The principals in Connecticut are out in left field. They are the ones who are getting the short end of the stick. For the most part, though, this has a great deal to do with their own concerns and how they wish to handle them in that the law provides for an option of representation. If they want to be involved in the local teacher association, they have that option. If they want to be out, they have that option. If the teachers want them in or out, they have those options. We are finding in almost all cases where the separation is taking place the opting out is at the choice of the principals. As a result of this initiation they get third hand the money that is going into their welfare benefits. They are very definitely in a dilemma in our state, I do not know the answer to their problem.

Question: Are you going in the direction of Civil Service for teachers?

Mr. Melley: I do not foresee that, but I do foresee state-wide negotiations. As our local associations become really skilled in negotiating, boards of education are either going to abdicate their responsibility to hired negotiators or they are going to try to do it themselves. In either instance, there is going to be a real uprising and boards of education are going to get excited. They are going to force, as a combined effort, the State Department of Education to recognize that they are incapable of handling local negotiation efforts. Therefore, negotiations of basic elementary working conditions, and I am not saying salaries, will come from an organizational representative from the state level meeting with an organizational representative for boards of education from the state level. I can foresee this in mabe five or six years in our state.

Footnotes:

1 Emphasis mine.

TEACHER-ADMINISTRATOR-BOARD SALARY NEGOTIATIONS IN OREGON

by

Patrick W. Carlton

> ...Those that cavil at the dissension betwix the Patricians and the Plebians, cavil at the very causes which in my opinion contributed most to (Rome's) liberty...
>
> Niccolo Machiavelli
> Political Discourses
> Book 1, Chapter III

This presentation concerns itself with a peculiar form of collective negotiations--and I use the term advisedly. NEA coined the term professional negotiations. The AFT speaks of collective bargaining. Use of the term collective negotiations obviates the possibility of charges of organizational favoritism--something superintendents can not afford.

As mentioned previously, this discussion will focus upon an odd brand of negotiations --the kind currently practiced in Oregon. It is odd because Oregon has a highly unusual negotiations law--described by Myron Lieberman as being undoubtedly the worst of its kind on the books. The law will be described shortly. First, however, let us review a few of the causes of teacher militancy, or organizational unrest, as some people call it. Militancy has numerous antecedents--it would be extremely difficult, perhaps impossible--to pinpoint the cause of such activity. The best we can hope to do is point out a number of most likely antecedents for the movement.

One obvious problem--that of inadequate compensation, has been present, like the poor, seemingly forever. During the Civil War it has been observed, a large portion of American teachers in Philadelphia received less than the janitress sweeping the schoolhouse.

Somewhat earlier, Horace Mann stated that in a certain Massachusetts town all journeymen and craftsmen received more than teachers--some got 100% more than the teachers. The simple fact, he stated, is that "we pay best, first, those who destroy us--generals; second, those who cheat us--politicans and quacks; third, those who amuse us--singers and dancers; and last of all those who instruct us--teachers."[1]

The salary situation has improved considerably in the past 100 years. In 1966-67, the average teachers salary nationwide was over $7,000. However, salaries still lag behind those of other occupations. A beautiful example of this was brought to light a few days ago. While the Montgomery County, Maryland teachers were striking in an attempt to force the board to pay a starting salary of $6,800, the New York sanitation workers were rejecting offers of $7,000. David Brinkley, of CBS, who lives in Montgomery County, made the point that the teachers were striking to get $200 less than the garbage men had turned down. Of course, the teacher salary was on a 9 month base and the garbage men on 12. In any event, there's no doubt that inadequate compensation is a major issue.

Another probable cause for teacher militancy is the increasing incidence of male teachers. Male teachers, generally more motivated by economic concerns than female teachers, tend to be more activist in their educational outlook.[2] In 1965, about 35% of the teaching force was male, as compared with a figure of 17% in 1925. It is these males who are masterminding militant activities, not females whose relative financial position is much better due to restrictions of the market place. This is not to say that women are never militant. Any husband in the room knows better than that. They man picket lines and support the activities of their organizations. But it is the males who lead. Very quickly now, I'll mention a few other contributing causes of teacher militancy: 1) urbanization, with concomitant bureaucratization and impersonalization of the school work environment; 2) mounting class size; 3) overutilization of classrooms; 4) racial unrest; 5) pupil mobility and other disruptive activities, all of which could be subsumed under the heading "bad working conditions." 6) Paternalism in teacher-administrator relationships; 7) lack of communications within the school system and; 8) the crisis of "rising expectations" so common in today's society.

All of these factors play a part in the ferment we now behold in public education. Very likely, it's going to be with us for a long time. Returning to the Oregon situation, now, the state law requiring teacher-board interaction was enacted in 1965; the product of almost unimaginable political pressures. You've heard the saying that a camel is a horse made by a committee. Well, the act finally passed by the Oregon Lesislature was about as unlike the original bill submitted by its authors, the Oregon Education Association, as the camel was like the horse the committee set out to construct. The statute, popularly referred to as the teacher consultation law, grants to certificated personnel (teachers) the right to "confer, consult and discuss on salaries and other economic policies" with local boards.[3]

The legislative history of this statute was stormy. Having been introduced by the State Education Association, the bill was strongly opposed by the School Board Association, which, under the leadership of its executive secretary, marshalled sufficient support among legislators to force substantive changes in the proposed bill. The bill was also opposed by teacher union advocates, who apparently felt that no law was preferable to a teacher association law.

Originally, the bill granted permission for "representatives of any organization or organizations" through use of established administrative channels, to meet, confer and negotiate with their employing board of education...in an effort to reach agreement in the cooperative determination of salaries ... Whenever it appears to the administrative officers of the State Board of Education that...a persistent disagreement between the board of education of any school district and the certificated professional employees of the board (exists), the administrative officer of the State Board of Education may act to resolve the disagreement...

The administrative officer may determine a reasonable basis for settlement of the dispute and recommend the same to each of the parties... In the event that agreement is not reached, the administrative officer shall report his findings to the State Board of Education..., to the parties involved and to the general public."[4]

The bill further proposed exemption of teachers from the prohibition against striking agencies of the state.

Under heavy pressure from the School Board Association, the representatives of the State Education Association agreed to a revised version of the bill, which ultimately became law. In revised form, the bill provided for representation "individually or by a committee... elected...by a vote of a majority of the certificated staff personnel below the rank of superintendent...." Thus, organizational representation was ruled out and a peculiar "teacher council" composed of "popularly elected" representatives, was provided for. Its disadvantages are readily apparent.

To begin with, the elected "conference committees," as they have come to be called, have no organizational ties, which means that no organizational funds are available to support their activities. This has left the school board with the responsibility for funding the activities of their bargaining opponents, a situation judged by many to be odd. Secondly, the committee has no formal organizational machinery designed to supply it with information on salaries and to communicate teacher desires to the group. Finally, the Conference Committee is accountable, in an immediate sense, to no organization, a fact which raises a question as to just how powerful such committees could and should be. True, the Conference Committee members can be recalled, and they have to stand for election to office, but, in a day-to-day sense, they are immediately accountable only to their collective consciences.

The revised bill excludes the term "negotiation," indicating that teachers "...shall have the right to confer, consult and discuss in good faith with the district school board on matters of salaries...and related economic policies affecting professional services."[5] Apparently the exclusion of the words "negotiate" and "in an effort to reach agreement..." stem from the fact that negotiated settlements are generally thought by boards of education to involve a loss of legally delegated authority and to weaken their control in decisional matters. This appears, in fact, to be the case. As to the meaning of "confer, consult and discuss in good faith," labor relations provides little clue. It appears that this wording was inserted by teacher association personnel in the hope that the phrase would be accepted by boards as being synonymous with "negotiations." As seen later in this study, such has not been the case in River City, and, indeed, in a number of communities throughout the state.

The change in wording from "...salaries ...and related personnel policies..." to "...salaries...and related economic policies ..." was apparently an attempt on the part of board lobbyists to restrict the scope of consultation to salary matters, and to avoid consideration of other school policies. However, given the facts that essentially all school matters are economically related, and that interpretations currently being given elsewhere as to what constitute bargainable areas in this regard, tend to enlarge the scope of such bargaining, this restrictive attempt seems doomed to failure. The fact remains that bargaining was, in 1966-67, generally restricted to direct economic concerns, chiefly salaries and fringe benefits.

An addition not found in the original bill deals with election and certification of the conference committee. This clause states that "the district school board shall establish election procedures and certify the committee which has been elected ..." It can be seen that this situation could lead to domination of conference committees by boards of directors. While this didn't occur in River City, the mere possibility that a statute might countenance control of a group's representatives by those those with whom the representatives must deal, raises questions concerning the adequacy of the law.

The provision in the original bill calling for fact-finding by the State Superintendent of Public Instruction on his own initiative was deleted and a clause inserted dealing with the appointment of a board of "consultants," consisting of "... one member appointed by the board, one member appointed by the employees and one member chosen by the other two members." This is a tried and true private sector bargaining practice. It appears that the major reason for this change involved fears on the part of school boards personnel that interference by the state superintendent probably would not work to their benefit, since the state superintendent does not qualify as an unbiased party in such cases.

It is interesting to note that, while there is no requirement that *agreement* be reached under the law as finally passed, provision is made for the resolution of persistent *disagreement*. Such a state of affairs would very likely prove incomprehensible to one not familiar with the dynamics of the legislative situation in this case, in which two special interest groups, the State Education Association and the School Board Association, lobbied vigorously in an attempt to gain organizational advantage.

The statute passed further omits the requirement that reports of settlement issued by the fact finders be made public. This may be an attempt to avoid pressures that generally come to bear on the parties to a dispute in the event of public disclosures of this type. The prohibition against public employee strikes is continued under the new statute, those lines dealing with teacher exemption from this prohibition having been deleted. Significance here lies in the fact that the original Teacher Association sponsored bill sought to gain the right to strike for teachers within the state. Such an attempt indicates changing patterns of thought among the leadership of the traditionally conservative State Teacher Association who prior to this time consistently denounced the use of the strike as "infra dig" and unprofessional. You can see some of the difficulties involved in obtaining good legislation when powerful special interest groups are at work. In Oregon, it seems obvious that the legislation passed does not qualify as outstanding.[6]

It satisfies neither of the interest groups involved, contains certain ambiguities, and seems destined to early amendment as a result. It is interesting to note that teacher groups and boards operated under the law in a relatively successful fashion during 1966-67, if the concept "success" can be operationized in terms of salary increases received by teachers. It appears that *de facto* negotiation is occurring and that the school boards, while fighting a "delaying action," are gradually moving toward negotiations with teachers in the traditional labor relations sense.

The specific object of my research in Oregon was a city of some 75,000 which I have chosen to call River City. I might say that all names of persons and places have been changed, in order to protect *the guilty*. River City has a school enrollment of almost 21,000, a 40% increase over the 1961 enrollment figures. All but 7 teachers hold the B.A. and 38% of all teachers employed by the district hold the masters degree. Teacher salaries have increased by 33% since 1957, from a starting salary of $3,768 for a B.A. and no experience in 1957 to $5,000 for the same qualifications in 1966. It should be noted, however, that the cumulative Price Index rose 11.7% during the same period of time. After adjustment, one finds that the average salary increase from 1957 to 1966 averaged 2% per annum. This is hardly *munificent*.

The School Board in River City is composed of middle to upper middle class professional people. Its ranks include a dentist, a lawyer, a minister's wife, the vice-president of a trucking firm, the director of a local charity, and two insurance agents. The board was expanded from 5 to 7 members in 1966, so that the 1966-67 negotiations were the first into which the board as presently constituted had entered. It soon became evident that the board was composed of two factions, a conservative group, composed of the more experienced members, and a liberal group composed of the three newly elected personnel. The single female board member, whom I shall call Mrs. Wrenn, stood somewhere between the factions, voting first with one side and then with the other. Her vote became a critical matter during the 1966-67 salary negotiations. The Teachers Conference Committee was duly elected in a school board conducted election in November, 1965. Normally composed of seven members, the committee had suffered a resignation and operated during the period of my study with only 6 members. The Committee had two factions which I have designated "liberal" and "moderate" because of their general approaches to negotiations. The group included 2 elementary school classroom teachers, a guidance counselor, a high school principal. Incidentally, the law required that the committee bargain for both principals *and* teachers, and that the administrators *be* represented on the committee.

The superintendent, Dr. Wright, was employed in the early 1960's as an "innovator." He followed a traditional "bricks and mortar" superintendent, and has earned River City Schools a state-wide reputation as "forward-looking" and "creative." Dr. Wright is adept as interpersonal processes, and moves quite well between the board and teachers, spreading "oil on the troubled waters" as necessary. The law omits the superintendent from formal negotiatory participation, a situation quite different from that which existed prior to passage of the consultation law. Previously, Superintendent Wright acted as the official spokesman for the board in salary matters and also represented teacher interests to the board. Suddenly he was left "out in the cold," so to speak, a situation which he refused to accept, with interesting results. The negotiations that developed were carried on in an atmosphere of vagueness and uncertainty. At the first meeting of the season, the board's attorney, Mr. Ammons, stated in no uncertain terms that no negotiations would take place. Mr. Ammons was one of those responsible for the Amendments to the law. He worked with the State School Board Association in lobbying for the changes. He was, consequently, vociferous in his claims that the board retained the right to make all decisions, and that the only obligation implied by the law was that the board must talk things over *with the teachers* before acting. He stated during an interview that "it's impossible to misinterpret the difference between the terms 'negotiate' and 'confer, consult, and discuss.' There *is* a difference--an intended difference."

It was apparent, also, that Mr. Ammons was quite ego-involved. He stated that "... it's annoying to beat them in the legislature and then have them beat us in the meetings." He said that the establishment of *de facto* negotiations is "hard on the old ego." In spite of Mr. Ammons adamant opposition, however, a form of negotiations did develop.

The relationship that developed was a peculiar, "tri-partite" arrangement, in which teachers, board, and superintendent made proposals and counter-proposals, albeit in a highly informal manner. The board, throughout this period, claimed vociferously that it would not negotiate, then proceeded quietly to do so, much as the maiden who, "declaring she would n'eer consent, consented." This "tri-partite" bargaining gambit will be described in a few moments. The original teacher proposal called for a starting salary of $6,000 for a B.A. and no experience and a maximum of $11,262 for an M.A. plus 45 quarter hours and 15 years of experience. Current starting salary at that time, as mentioned previously, was $5,000. In a series of negotiatory moves, the board, teachers and superintendent reached a negotiated settlement of $5,800 for a B.A. and no experience and a maximum of $10,556 for an M.A. plus 45 quarter hours and 15 years of experience. The maneuvers by which this agreement was finally reached are instructive.

Following the initial presentation by the teachers of their $6,000 proposal, the school board said little and opted for an early adjournment. At a meeting held several weeks later, the board, while vehemently denying that it was proposing anything, "suggested a $5500 salary schedule. There was no response from the teachers, who were honoring their "commitment tactic." One teacher negotiator indicated that they would "hang tough" on their proposal. At the same meeting, the superintendent proposed two salary plans, one based on a $5,700 starting salary and the other on $6,000. Neither the board nor the teachers responded to the superintendent's proposals.

Next, at a meeting some weeks later the board proposed a $5,500 starting salary with provisions for 12 month contracts for some teachers. This was done casually and with great display of verbiage to the effect that the board would not negotiate. The teacher team did not respond to the board's proposal, either because they honestly did not recognize it as such or because they felt it desirable to continue the pursuit of their commitment tactic. The superintendent then suggested a starting salary of $5,700 with 12 month contract provisions for part of the staff. The board failed to respond to this proposal, as did the teacher team, probably taking its cue from the board's actions.

At this point in negotiations, there was considerable confusion as to just what the board intended to do. Their constant declarations of non-negotiation and refusal to commit themselves to a position added to the vagueness of the situation. However, this vagueness also lent flexibility to the relationship, flexibility which was vitally needed by the negotiating parties.

In January, 1967, at a public meeting of the board Superintendent Wright proposed a $5,800 base salary with provisions for summer employment for about 1/3 of the teaching staff. The Superintendent's proposal came after a series of bombastic remarks made by the mayor of River City, in which the mayor castigated the teachers for their financial anxieties and stated that "when it comes to paying (female teachers) $10,000 a year...then I think it's time to take a look at our whole card." These remarks aroused considerable ill-will among spectators, most of whom were local teachers or members of their families. Superintendent Wright chose this emotion-charged time to unveil his proposal. He, thus, appeared in the role of the "white knight" coming to the rescue at a propitious moment.

The teacher team returned at the next meeting with a proposal of their own. They had privately admitted that they could accept anything between $5,700 and $6,000 without engaging in militant acts. We can call this the teachers' aspiration range. The superintendent's proposal, then, was well within the teachers' aspiration range.

Their strategy at the meeting was to get the board to commit itself to the superintendent's $5,800 proposal. This the board declined to do. Had the board made such a commitment, the teacher team could then have returned to their constituents for a vote on the board offer. If the teachers turned it down, they could then have returned to bargain in the range of $5800-$6000. As an alternate tactic, the teacher committee proposed a $5800 starting salary with provision for higher increments at the upper end of the schedule. This proposal would have cost some $100,000 more than the superintendent's proposal. I was later able to determine that this reduction in demands was intended as a signal to the board as to what the teachers would settle for.

There was some danger in this move, since it left the board free to offer any amount it chose. The board had not committed itself at this point, you'll recall. As a matter of fact, one board member did ask that a $5700 proposal be presented at the next board meeting by the Superintendent. This was done, but the liberal wing of the board immediately amended the $5700 base salary to $5800 and the board adopted in unanimously. Thus, the board avoided committing itself until it was certain what the teachers would settle for, then moved to fulfill it's legal responsibilities by unilaterally adopting a $5800 proposal. This fulfilled the "letter" of the legal precedent calling for unilaterality of decisional control, while winking at the "spirit." The teachers concurred in the matter through expressions of satisfaction and through lack of militant display in the weeks that followed. As it turned out, both board and teachers worked hard to get the budget passed. The taxpayers defeated the budget twice and it passed on the third attempt by only a small margin.

Role of Superintendent

Coming now to the role of Superintendent Wright in the negotiations, it should be pointed out that his lack of legally assigned function rendered his status ambiguous, to say the least. I feel that the superintendent was confronted with the classic role conflict situation, defined by Parsons as "...the exposure of the actor to conflicting sets of legitimized role expectations such that complete fulfillment of both is realistically impossible."[7] He was expected by the school board to press for economies, while on the other hand being expected by the teachers to join the fight for a large salary increase.

The superintendent was, in a word, confronted with Gross' classic alternatives. He could either 1) maximize A, 2) maximize B, 3) compromise, or 4) practice avoidance.[8] That is, the superintendent could have conformed to the teachers' expectations, performed some compromise behavior which satisfied neither group completely but which each side could "live with," or could simply have withdrawn from the process completely, thereby avoiding the necessity for making a decision.

After the first meeting between the board and teachers' conference committee, during which he practiced avoidance by taking virtually no part in the proceedings, the superintendent assumed a mediatory role, attempting to bring about compromise by negotiating with both groups and aligning himself with neither side completely. This meant, then, that there were three, not two, bargaining agents in the process, in a loose sense: that is, the superintendent, the school board, and the teachers conference committee. Both the board and the teachers were, in essence, dealing with the superintendent, whose $5800 proposal was adopted by the board and accepted by the Conference Committee. He had, in effect, bargained with both sides.

We have been considering a microcosmic representation of the stressful, complex, often traumatic episodes that occur daily in the broad field of negotiations which I define as the movement of teachers, as a power bloc, to gain for themselves additional influence in the operation of the schools. No clairvoyant powers are claimed by the author. However, it seems reasonable to predict an intensification of the drive by teachers for more control over their working conditions.[9] It behooves school board and administrative personnel alike to prepare themselves as well as possible to meet the needs of the future along this line.

To quote an old Chinese Sage, "That individual who prepares himself for the exigencies of today, survives to reap the benefits of tomorrow."

Footnotes:

1 Common School Journal, IX (1847), p. 367, as quoted in Willard Elsbree, The American Teacher (New York: American Book Company, 1939), p. 280.

2 Patrick W. Carlton, "The Attitudes of Certificated Instructional Personnel toward Questions Concerning Collective Negotiations and 'Sanctions'" Cooperative Research Report #6-8367 U. S. Office of Education 1967, pp. 16-17.

3 The material in this section is taken from Patrick W. Carlton, Teacher Salary Negotiations: A Case Study and Analysis (Portland: Oregon Education Association, 1968).

4 An analysis of ORS 342.450 to 342.470 Relating to Working Relations Between Boards of Education and Certificated Personnel (Eugene: Oregon School Boards Association, 1965). p. 1.

5 Ibid.

6 Myron Lieberman indicated that it was the worst law of this type that he had seen.

7 Talcott Parsons, The Social System (Glencoe: The Free Press, 1951), p. 280.

8 Neal Gross, et al., Explorations in Role Analysis (New York: John Wiley & Sons, 1958), p. 284.

9 Patrick W. Carlton, "Labor Psychology and Educational Planning," Educational Leadership, XXV (February, 1968), p. 428.

NEW YORK CITY--WORKSHOP FOR TEACHER MILITANCY

by

Bernard Donovan

I did not write a speech for today for two reasons; one is I do not have time, and the second one is that when you live with this every day, you do not have to write a speech about it. I am going to talk to you for a little while about this most engaging topic that has been given me, "Workshop For Teacher Militancy." That is the understatement of the year. We have been in the midst of a militant teacher movement now for many years. At one time I was president of a high school teachers association and I thought I was militant. I would now be counted among the ultra-conservatives. In that day I thought I was astounding the superintendent with my independence. I learn now that I was not even a speck on the wall when it comes to militancy. I have to tell you now that Charlie Cogan back there from the AFT and I came out of the same department and the same high school in New York. Now there is a department that should be abolished for two reasons.

I would like to put teacher militancy in the proper framework. Whenever anybody from New York City talks, we talk from experience which is different in size from the experiences of others. We relate to what we do, and it doesn't always relate to what other people do. So I would appreciate that when I'm talking about our situation, I'm talking about our situation, and not necessarily that it is similar to any place else. Yet I think you will see in it the seeds of similarity. Five years ago I went to California to address the California School Administrators on teacher negotiation at a time when they didn't have it. They looked at me as though I were something from Mars because in their districts it couldn't happen. The most complacent was the first to fall. Now I go out there each year and give seminars at Stanford University on collective bargaining. The question is not whether it is going to happen, but what is the next step. I would like to give you a little of the background and come quickly to today's problems of militancy in the City of New York.

Today's problems in New York City are either yours today or will be yours tomorrow, wherever you are, in one shape or another. The background of this situation in New York City has to be explained in terms of the strength of our teachers' organization. You must recognize, first of all, that ten years ago in New York City we had about 117 teacher organizations. No one of them was strong enough to do anything, so we had a real vacuum. As far as the Board was concerned, the Board could play one teacher group off against the other. No teacher group could really be successful. We had all kinds of organizations you never heard of. We had 7th and 8th grade women teachers. We had history teachers in the junior high schools, history teachers in the senior high schools, Protestant teachers, Jewish teachers, Catholic teachers, Brooklyn Catholic teachers. That made for weakness as far as teachers were concerned.

The second thing about New York City is its size. You should realize that today we have 55,000 classroom teachers teaching 1,100,000 children in the public schools. The very size of the system is a problem both to teacher organizations and to communication between teacher and superintendent and board. The very size of it creates a problem. So the organization of teachers in New York City was a difficult one for the teacher organizations.

The third thing you should realize is that in a system of that size there is an impersonality about teaching that leads teachers to feel, "Well, I'm number 99,429 on the payroll but nobody else recognizes me." A strong teacher organization gives a teacher a feeling of security, a feeling that somebody cares. You must also realize that we are a union city. Everything is unionized in New York City.

We had another reason for teachers organizing in New York City. We did have some autocratic administrators. Now I am sure that West Virginia does not have any of those. I am sure that nobody sitting here is one of them, just as I am sure that I was never one. It is always the other fellow. But teachers do resent autocratic administration---administration that does not carry with it a reason for doing things. There have been autocratic administrators, and unfortunately, there still are quite a few. We had an apathetic staff. We also had an apathetic staff that could care less except about a few militants. We had good salaries, relatively, some years ago, and good pensions. We had these things before other school districts had them. But all of a sudden the other school districts began to come up, began to surpass us. The teachers got a little excited and the organizers of the teachers had a little more with which to work.

I think you should also know that, as far as teacher militancy is concerned, we had a no-strike law in New York State. In fact, that is the second one we had. The first one was ignored frequently enough that they changed it. Now the second one is being ignored frequently enough that I am sure it is going to be modified. Under this law, for the first time, striking teachers were punished by a fine against the union and by jailing of the leader of the teachers. We did not ask that this happen. The law makes it happen automatically. The issue goes to court and the court makes its own decisions. But in spite of that, we have had the strikes you heard about this morning.

I think you should also know that when you come to teacher militancy, the Board of Education of the City of New York is financially dependent upon the city and does not raise its own funds. That creates a special problem. When the union is through negotiating with us, they move on to negotiate with the Mayor. He is the man that has the funds. We do not raise taxes. That is true of the six big cities in New York State. All of the school districts in New York State raise their own taxes except the six biggest cities: Buffalo, New York, Rochester, Syracuse, Albany, and Yonkers. This creates a problem in militancy because the militant teachers organizations know that they can ring us for as much as possible, then move on and squeeze a little harder elsewhere. It is a tactic of negotiations. We also know that one of the reasons for militancy was a very sympathetic Mayor Wagner, a labor-minded mayor. I do not say sympathetic in that he did not take necessary steps to negotiate, but I mean that he had a sympathy for unionism that helped our teachers' union to grow and take its place with us.

Now, what is it the union wants that makes them militant in our city? I'm not going to talk to you about salaries and pensions and sick leave and welfare, forget that. That is a normal want of a union. That is what what was described this morning as the "normal negotiating matter whether it is in a private sector or a public sector." We know about those things. It is after that that we come into the "gray area," the area of the working conditions mentioned this morning. And I might say here that we have no court decisions in New York State to tell us what "working conditions" encompass. We have determined this by the back-and-forth of negotiations. Every year they become broader.

The first working condition we talked about in education, beyond salaries and so forth, was class size. Class size is a working condition. It also happens to be a matter of educational policy. Class size is something you create in terms of the kind of student, the nature of the program, the kind of a class it is, and a lot of other educational matters. But class size is also a burden on the teacher's back. It becomes that "gray area" of policy and working conditions; therefore, our Board has resisted the average class size but has acceded to what we call the intolerable maximum. In other words, we will not say a class of slow English learners should be 25. We do say that no high school class shall exceed 35. Even there we have exceptions like physical education, choral music and so forth. This has been agreed to by the union. Right there is one of the areas that is under more and more discussion.

The second matter, and this is something very hard to describe unless you understand that New York City is an examination city; nobody gets a job in New York City unless he passes an open competitive examination. That applies to teacher, chairman of department, assistant principal and principal. I can choose nobody. I have to take a principal off a list only after he has completed an examination by a fully independent board. The only people I have any authority to choose are my assistant superintendents, and I have just lost that in decentralization. The community is going to choose them now. But the union says it wants objectivity in the selection of people. The union does not want favoritism; it will not stand for favoritism. It does not want a principal of a high school to pick out Miss Jones to be a guidance counselor because he likes Miss Jones. A guidance counselor is really an unfortunate example because they are specially licensed. Let me take the teacher who supervises student publications. When that teacher's term of office is over, and that is something new under union contract, they want the job publicized to the faculty. Those who want the job apply for it and senior man gets it. Now the principals do not want that. Principals now say, "Wait a minute. Senior men may not be the kind of men who can run the student publications and get along with the children. He might be a fine teacher of Shakespeare, but he might not do well with the children. I want the man third down the line and I want the right to pick that person." This is a major contention today. Each year the principal's authority is being narrowed.

The union is also arguing with us over supervision in general. In the last contract request they asked that there be no plan book submitted to principals. They asked that after a teacher has received his tenure, which is at the end of the third year, he no longer be visited by a supervisor and that no official reports on the teacher be written. To none of these did we accede. If we were to accede to that we would generally give up any responsibility we had for seeing that teaching continued to be effective. I will grant you there are principals who do not use the plan book correctly. The principal who asks every teacher in the school to turn in a plan book every Friday afternoon and get it Monday morning is out of his mind. He is not a principal, he is an inspector. But a principal has the right to find out, occasionally, if a teacher has planned. How can this principal be held responsible for the productivity of the school if he does not have that right? We do have a right to visit any teacher at any time to find out how effective his teaching is. But I do not believe that teachers on tenure should be overburdened with such observations.

Not all supervision is effective. When I was in elementary school I had a principal who walked in the front door every morning about a quarter past nine, walked across the front of the room, looked out the windows, and walked out the back. That was all. He never said a word. I never knew if the windows were open enough, not open enough, what he saw, or what he did not. After a while you got used to it, but I do not like that kind of business at all---checking up on everybody every day. But I do think a person has a right, occasionally, to walk into my room, sit down and listen to me teach for a while, see what I do, and write a report on me. I am being paid a salary to teach, not just to collect my check at the end of the month.

The other big difference of opinion we are having with the union is the relief of chores, what are called non-professional chores. We have hired thousands of school aides to watch the loading of buses, to patrol the halls, to help in the cafeterias, and to take away much of the non-professional work teachers used to do. We think that is right. If that leaves a teacher more time to prepare his lessons and do his teaching, fine. I must tell you now, and every time I say this it is recorded back to New York and I have a ruckus, but I will continue to say it; I have not seen that this relief has improved teaching. And I stand by that statement. I have not seen that it has made it worse, either. But I have not seen a real improvement because of that relief.

Lastly, the union today is seeking binding arbitration. Everything we have so far is advisory, as was indicated this morning. But the union wants binding arbitration. I will give you one of the best examples that is on my desk right now, and for which the union was almost ready to strike about a week ago. One of the unfortunate parts of the teacher militancy in our city has been an estrangement from the community because of the militancy. A great part of our community is estranged from the teachers. The minority group communities, the Negro and Puerto Rican sections of our cities and their children, now make up 52% of our public school population. They were embittered at the already feel that the public schools do not teach their children well and that the striking teachers interferred with 14 days of instruction for their children. The people in the communities came in to man the classes. The Negro teachers, to a great measure, refused to walk out and we created a clevage here that is going to take a terribly long time to reconstruct. But we now have the community threatening teachers and pointing out teachers that are ineffective. We have teachers pointing our community leaders who are harrassing. We really have a confrontation, and we sit in the middle. When a member of the union struck a child and I preferred charges against him, the union wanted an impartial hearing for this teacher. They said to me, "You cannot do it because you cannot be impartial. Between the union on one side and an equally if not more militant community on the other side, you will bend with one pressure to the other." They did not point out that I would not do it right, but indicated neither the superintendent nor the Board, could be strictly impartial; therefore, they wanted impartial arbitration by somebody outside the system. Now two days ago I suspended two Negro teachers for taking their classes out of school to go to a Malcolm X Memorial. The union has indicated to me that it does not think their two teachers will get a fair shake. Which ever way you do it, there is one side that thinks you are going to do it the other way. And so the question today is, do we need outside arbitration to insure objectivity? I wonder if an official arbitrator from outside the system can really begin to hear teachers who have charges preferred against them for unprofessional conduct or insubordination. I do not know.

The forms of militancy in New York City have taken the road of the strike several times. There has been some harrassment of principals. By harrassment I do not mean physical force. I mean in certain schools the head of the union is a pretty rough guy and he keeps after this principal--I want this done, I want that done. I must say, too, there are some schools where the principals are pretty rough guys. They keep after the union men and produce a little harrassment, too. It is not all one way, except generally speaking, principals are not that strong. The union takes public advertisements in which it criticizes the school system in New York City. It makes public charges about things that we fail to do. It has the support of other labor groups and it does seek legislation. There is nothing unusual about doing things; these are the means of militancy for any organization. I am not being critical of any of them; I am merely stating to you a fact. What are the effects of it? First of all we have in New York City today a much more aggressive teacher organization and teacher feeling than we've ever had. Five or six years ago the union had about 2,000 members. That was what the union had when it won the election. It now has 49,000, maybe more by now. So we have a group of teachers who stand up and speak without the drop of an invitation--on anything. And I'm going to tell you right now that despite the irritation, despite the annoyance and despite the pain and the aggravation, I think in the long run that it is going to be healthy. All the professors who are here recall those chapters in the books on school administration that talked about democratic administration. We should listen to the voice of the teachers; we should give him a part in decision-making. Well, that is what they are asking for. They are beginning to believe that stuff. It has taken a long time for those chapters to come alive. Some of the administrators who have read them wish they could tear them out of the book.

The second thing is that we do have a somewhat divided staff for those other people who are not in the union. Those people who do not belong to the union are somewhat aggravated by union activity. I guess that is natural whenever you have one organization in the majority and a few others who are in the minority. There are today growing signs of antagonism between the union and the Negro teachers of our system--very great signs of it.

The third thing we have is a group of embattled supervisors. This morning I heard talk about whether or not supervisors should organize. In New York City it is too late. They have organized and been recognized by the Board. All of the supervisors in our city got together to defend themselves, as they said, from the effects of a union contract on them. Every union contract that gave more to the teachers took something away from the supervisor--either a power, an authority, a right of choice or something. Sometimes they were imagined more than real. Now we have an organization called The Council of Supervisory Associations made up of assistant principals, senior high school principals, and assistant superintendents. That is why I say that everybody is organized but the superintendent. The Council got together, went to the legislature, and got themselves an index like you never heard of an index. In our city when a teacher gets a raise the assistant principal gets a raise, 1.45, and the elementary principal gets 1.7, junior high 1.85, high school 2.00, and assistant superintendents 2.15. So we are all together when it comes to union fighting for increases. How can we lose? Then on top of that we negotiate with that organization for further increases, above and beyond. Well, we are now looking at this under the new law. We did this before the Taylor Law came in. We are looking to see whether all of these segments really have a right to be organized in one. The assistant superintendents of the city, who theoretically are carrying out my directions which I get within the policies of the Board, are in with organizations below them. It just doesn't seem to fit well. I happen to believe half-way with the gentlemen from Illinois that the superintendents at least belong to management. The principals in our city, because they get there by competitive examination and not by our choice, and we can not fire them--they get tenure as principals; you can only fire a principal if he is totally ineffective, and who ever heard of a principal being totally ineffective--they may have some rights and we are looking at them.

Well, the other thing we have, as I indicated, is a very embittered disadvantaged community. We have a number of disenchanted parents. This last time during the strike, the United Parents Association, which has most of the parents in the city, came out against the union and actively manned classes in the schools. We also have a mayor who is angry at--well, he is angry at all unions right now; you can not tell which one he is more angry at. And we have a Board of Education very, very concerned about the future of these matters. Negotiations in our city have utilized so much of the funds available to us that there is nothing left for any other improvement in education. It is a very serious matter. This year, because of our negotiations and other costs, we had to go to the mayor for 284 million dollars next year. The other day he told me we are not getting a cent.

I would like to raise a few questions about problems concerning militancy because I think what we do at conferences better than anything else is raise the questions. I do not hear everybody giving the answers, but I do hear the questions raised so I'll take the priviledge of raising them. What right do teachers really have to disrupt an instructional program when the program is already so short, and for the disadvantaged children of our community, the time is so short? Coupled with that then has to be, if teachers do not have the right to disrupt, then how can they achieve their just demands in any other way? This morning we alluded to binding arbitrations. I do not know the answer. There has got to be some middle ground. We just can not go on interrupting programs every time somebody has a fancy grievance. They cannot walk out and picket every time they do not get what they want. I just don't think we can do that to children. But teachers do have a right to have legitimate demands settled by somebody.

Secondly, is it right to have supervisors unionized? If they are unionized, what are their roles? If they are unionized, should it be separate? I think supervisors have a right to organize! I don't know about unionize. I think they should be separate from classroom teachers. And I would venture to say that even with the NEA, if I may, that the AASA does not belong there anymore. It does not belong in the NEA anymore because the NEA is becoming, and maybe rightly so, a classroom teachers organization. If it is, unfortunately, the very nature of this makes it difficult for supervisors and teachers to be together in the same organization when negotiations is a big process. We are all in an educational business; we should be theoretically together. That is one of the reasons why I will not allow principals at the bargaining table. I sit at the bargaining table with my deputy superintendents. In another room I have the principals and others who advise me as to how far I can go and what it will do to their schools. They do not sit at the table because I do not want a confrontation between the men who are going to have to work out the problems in the schools and the teachers who are making the demands in that particular school. Everybody does it a different way.

What is the right of the public? After having the use of its funds decided by negotiations between the teachers and the board, with the public not having anything to say about it, what right does the public have to evaluate the performance of teachers? If teachers and the board are going to jointly make agreements, then is not the public going to say, "We had better have some objective proof of productivity." This is what the public in New York is beginning to ask.

Fourth, I think that there are many elements in negotiations which strangle new ideas. We had to put a separate provision in ours this time--our union is interested in new ideas in New York City--for experimentation and demonstration. If you are going to hide-bind all of the assignments of teachers, the programming of teachers, the free time of teachers, what they can do and what they can not do, how do you do something new? How do you get new ideas across? How do you get to talk about a lengthened school year if you've negotiated the length of the year and nobody wants to go any further? When the cry is all less work, less days, and less hours, how do you talk about a longer school year? I do not mean for the same money. What is there about the protection of mediocrity? What are we going to do about the protection of mediocrity which occurs through many contracts? It does not say so, but to get rid of the mediocre person is next to impossible, especially with such protection?

And lastly, I want to say something for the union, if I may, because it looks as if I am talking against them. I am not. I have lived with this since 1961 and have done all the negotiating for the Board of Education--every minute of every contract, and this is our fourth one. I think the union has gained great things for the teachers in New York City which those teachers would not have gained, to the extent that they have gained, without the militancy of that organization. I think, though, that the union has helped to create a very unfortunate picture of the schools in New York City by constantly saying that it is a terrible school system, and then by constantly asking that more money be given to help continue it. I think that is damaging, and I think that the union and we are starting to work together to overcome that impression--to take a more positive look at it. I think the union is beginning to mature. After all, it is new in education. It took other unions a long time in many industries to mature. We are now working on a number of things. We are working on some experimental elementary school programs. We are working on new internships for training teachers. We are working on experimental all-year-round high school. We have just started work on it and this after a couple of years of fighting about it. I think the union will mature and be a powerful force in the education of New York City. I think we administrators have to learn that no progress has ever been made without stumbling a little bit along the way, and without making a few errors on the way, and without it being painful. So if New York City is a "Workshop for Teacher Militancy," it is alright with me; providing, that the leaders of the teacher militancy respect their public responsibility as well as I have to respect mine. We happen to be partners in the same business and we will either rise or fall together, not separately, and as we do the city falls with us, or rise with us. That message has not quite gotten across yet, but I think it is in the process.

Well, I am very pleased to have talked to you for a few minutes about this matter, and I would assure you that what I say about New York, as I read in the papers, is true now today about my friend Sid Marland of Pittsburg, Brother Jenkins who just came from delightful Pasadena to San Francisco, and a few other people around the country. Chicago has had it; every city in the country has it--and every city means every school district eventually. I would urge upon you very good judgment and a great, great excess of patience.

DISCUSSION

Question: Dr. Donovan, you mentioned only one issue that the organization of your supervisors, administrators, etc. have had--mainly salary on an index basis. What are some of the other demands which they had that would counter the union demands?
Dr. Donovan: I shouldn't have indicated that they only had one. They had all the salary and welfare things that the union wants for itself; they wanted other things for themselves. But in addition to that, their demands were along these lines: that the authority and status of the administrator should be preserved; that they have rights to inspect teachers, observe teachers, and report on teachers; that the union chapter in the school not be permitted to take over the administration of the school; that I, the Superintendent, should support the principal when he thought he was doing right; that any time we were going to make any changes in the organization of the system, we should first consult with this organization of supervisors. Quite frankly, I agree with that one. I do not think you should make any big changes in the system without consulting with them and with the union. Mainly, they were interested in not becoming chief clerks for the implementation of a union agreement. That is the essence of why they were there--besides their own personal salary and welfare. For example, in welfare the union got $140 a teacher for welfare. Then along comes a supervisory group who says, "We need more because we are older, it costs us more, and there are fewer of us." We did, we gave them $196 because the actuaries told us that, for the kind of insurance they want, it costs more.

Question: In what way might you have made efforts to attempt to evaluate the productivity of the teachers as related to the demands of the union?
Dr. Donovan: The only productivity of the teachers that we are trying to evaluate at the moment is whether or not he is satisfactory and that is just nothing. We have in our city done something. We have published the reading grades of every class in the city. Now that is horrifying. Publishing the achievement of schools, grades, and classes causes an uproar like you have never seen. That is one indication, at least, of a teacher's productivity--not a good one, but one. The union is now talking with us about evaluation of effectiveness that is reasonable, that the public will buy, and that the staff will feel is also a reasonable yardstick. We are just started: we haven't gotten into it. But there has to be such a thing. In our city the legislature is considering decentralizing the school system into 30, 40, or 50 districts and giving to each of those local boards the right to hire and fire teachers. When the minority group in our city say their children are not being taught well, and raise the dickens about it, the whole matter of the effectiveness of teaching comes up for public scrutiny. Something must be done, but we are just starting. I do not know the answer, but we are going to work on it. I am not talking about merit systems; I am talking about effectiveness of teachers.

Question: Would you comment further on the strength of the Negro teacher in the union?
Dr. Donovan: I must say that it may not be all the Negro teachers of the city, but it is a great number. The estrangement is forced by the very nature of the social revolution in New York City. The city is growing in the number of its disadvantaged children, who are mainly Negro and Puerto Rican, and the militant leaders of the Negro and Puerto Rican people are saying publically that the schools have not taught their children effectively. They use the reading grades to "prove" it. Now many of the children that we teach in our school, and who get tested have just come to us. We got 47 thousand new children last year. One hundred seventy thousand other children did not finish the year in the school in which they started. They moved. I have one school in New York where the turnover in one year is 200%. That means that by the time a teacher gets to the end of the year she has a third class rather than the first one. The staff says, "Wait a minute. There are a lot of factors why we can not do the best job." The community says, "We do not care about that. You teachers are not doing your job. You are getting paid too much. And

furthermore, you white teachers do not understand our pupils and do not want to understand them." Now there is the genesis of the criticism: the Negro teacher feel themselves a part of their own community. So there is a clevage here which in our city is causing a terrible unrest. Terrible is a mild word.

Question: Assuming that it were 1940 instead of 1968, what kinds of things would you do to see if you could short circuit some of the unfortunate things that have occurred?
Dr. Donovan: I'll give you two or three specific things. In the first place I would take a very good hard look at my personnel policies. How do I really treat the personnel? No, do not give me the paternalistic--"I'm a good superintendent, my teachers love me, I am good to them." This is America, not France before the French Revolution. Really look to see what it is your personnel want in terms of regulations, communications, and so forth. The second thing we could have done was to recognize that the profession was badly underpaid. We recognized it, but what did we really do about it? It did not get a lot of the benefits that other people got: health and welfare, better pensions. They were very important to people. We could have done that. The third thing we could have done, which is probably more important than anything else, was to have taken a much harder look at the kinds of supervisors and administrators we were putting into these jobs. I do not think anything creates good will in a school as effectively as a competent principal in a school. By competent I do not mean a pushover for the union. I mean a leader; a good capable man who says, "I have chosen to do this and this is why I have chosen to do it." Not a fellow who locks the door and says, "Give them a circular; I do not want anybody to bother me." You know what I am talking about. We could have done a lot of that. That would probably not have stopped this but it probably could have ameliorated some of the agony we have had to go through.

Question: Does the examination system influence all this?
Dr. Donovan: The examination system does influence it, but in two ways. As I indicated to you earlier, everybody takes an open competitive examination, gets on a list, gets appointed, and then after three satisfactory years gets tenure for life. That influences the ability of superintendents to pick and choose people for a job. You are held responsible for a system that runs despite you. On the other hand, all is not bad with an examination system. It does remove from you pressures from politicans whose nieces need jobs. It has defended us against the inappropriate demands for the appointment of certain people to posts of authority whether they are qualified or not. If we did not have an examination system we would be pushed back and forth by various pressures--political and social--for appointments that we could not withstand. An examination system at least gives us something to fall back on. In fact, during the last three days in dealing with militancy, I said, "the law" so often that I was beginning to feel ashamed of myself. I was blaming everything on the law. I had to blame it on the law because I can not act illegally. But the disadvantaged people in our city who want to change things do not see the law. They say, "If that is the law, we will change it." I say, "O.K. go change it. When you change it, we will operate under the law." The examination system has its pros and cons.

The American Federation of Teachers--Force for Change

by

Mr. Charles Cogan

I want to make two preliminary comments before I get into the heart of my discussion. First, I want to express my deep appreciation for being invited to this conference. We have had some very helpful and constructive discussion today. I am also highly pleased with the address by Mr. Jamieson from the Illinois School Boards Association. The jist of his remarks was that collective bargaining is absolutely necessary--you have to accept it as a necessary institution.

This is a far cry from what happened when I was in the New York City school system. I was president of the New York local before collective bargaining days. Our New York local raised their outrageous request for collective bargaining, and of course we were negative all along the line. On one occasion we broke the rules and brought along a representative from the Central Labor Council to add weight to our discussion. The answer of the Superintendent was, "I do not negotiate with my own family." Well, I do not have to comment on that because in the first place he was probably not very familiar with modern families. In the second place, as we told him at the time, it so happens that teachers did not elect him their father.

Since that time we have been on the verge of a revolution in teacher-administrator-school board relations. That revolution climaxed in recent years in New York City. This great breakthrough brought the revolution to a head--a revolution of teachers demanding and getting not only equality of bargaining across the table, but other benefits right down the line. These were things they had never dreamed of before, like class size and control sharing. The revolution in this situation, was initiated and the breakthrough came. I want to remind you the breakthrough came in New York City. That revolution has taken the format not only of a content breakthrough in regard to what the teachers are getting, but also a breakthrough in the bargaining procedures.

There were several factors that helped to bring about this revolution. We have the factor of a greater proportion of men coming into the profession in recent years. Men are a little more militant than women, who somehow have the habit of taking things on the chin. Also, the great lag in conditions of work and fringe benefits that teachers were suffering in comparison to industrial workers, who had made these great gains over the years. Since the New Deal put the National Labor Relations Act on the books, sooner or later teachers had to get wise to themselves. In addition, you have the tremendous demands for improvement in the slums and ghetto areas. It is a terrific problem. The terrible conditions there, and the difficulty that was created in teaching under those environments, helped bring about greater teacher militancy. It was impossible for teachers to get any satisfaction out of the job.

There was as a result, a great increase in demands for a change in the situation. But it was not until the New York local went out on strike that we got our collective bargaining. Until then the Board of Education was playing around with us and saying no one knew whether it was legal, you see. Well, the strike convinced them that it was legal, so we began that great collective bargaining situation and arrived at a milestone in education--the collective bargaining agreement between the United Federation of Teachers, our local, and the Board of Education. That contract became a precedent for teachers throughout the country. The mood of militancy and the demand for collective bargaining and conditions of work that you could live under with dignity and self-respect was achieved.

My topic is, "The American Federation of Teachers--Force for Change." I have given a little background of how we became a force for change, and some of the fundamental changes that have come about as a result of what we have done in New York and other areas. The American Federation of Teachers locals are now the elected collective bargaining representatives in practically every large city in the country and in a number of smaller communities.

Another of the changes, interestingly enough, is that brought about in the National Education Association. The National Education Association has been revolutionized in regard to attitudes of collective bargaining and strikes. If you do not know it, let me tell you. When we had our first election in New York City we were by far the underdog in the situation, having a very small membership. The great National Education Association issue that came before the teachers at that time was that it is unprofessional to belong to a union, that unionism leads to strikes, and it is against the interests of the teachers, the community, and the children for teachers to strike. Therefore, according to the National Education Association, teachers must vote against the union. On the contrary, we in the union had a long list of demands, perhaps as many as 150. Well, suffice it to say that to everybody's surprise, including ours, we won that election by a vote of 2 to 1.

Now we come to the various contracts that we negotiated in New York, and elsewhere. I just want to mention, in sort of outline form, some of the things that have developed. Great improvements in salaries--take that for granted for I do not place salaries first. You have fringe benefits, for example, such as insurance, welfare, improved sick leave, improved sabbatical leave and what not. You also have working condition improvements such as the elimination of non-teaching chores, providing for duty-free lunch periods--that inhuman and totally undignified situation where elementary school teachers were required to perform supervisory duties in the lunch room. Here the kids are yelling their heads off while the teacher tries to eat her own lunch and supervise at the same time. We have had improvements in tenure laws. We have had the strengthening of academic freedom in many respects. As a result,we brought about grievance machinery which includes an impartial third party arbetration.

Then you have the area of educational policies--the "gray area." I suppose some of them are even beyond the "gray area." They are things one would, off hand, say do not belong to teachers at all. Let me name a few of them. First, there is class size, which has already been mentioned. Is it a working condition policy or an education policy? It is a little bit of each, I suppose. Second, we have bargained in several cities on the question of integration of textbooks. Because those of you who are familiar with history books know, and because those of you who are familiar with problems pertaining to the Negro know, our textbooks until very recent years have been propagating sheer falsehoods about the Negro people. There have been falsehoods through various statements in regard to their activities. They have also been falsehoods by the omission of African history, including its very rich Negro cultural activities.

So you have the integration of textbooks in curriculum, which you will interpret as I have just indicated. We also have discipline treated in some of our contracts. The Detroit contract, for example, specifies not only what teachers have to do to keep the children quiet and well-behaved, but what the administration has to do. You know what the usual thing is. Well, I do not know whether it is usual or not. Maybe, I am too hard on them. You see, I am half teacher and half supervisor. Most of my life I was a classroom teacher, but I spent some years as chairman of my department. And so we have this very common question of discipline. If you have a troublesome child or children you are told by the supervisor that it is all your fault. You do not know how to teach. In the first place you do not know how to motivate. If you would motivate, kids will be interested. You are told that every child wants to learn. Well, that is a lot of hog wash. So in the Detroit contract there are specified provisions for the duties and responsibilities of the teachers and of the administration in regard to disciplining youngsters. It spelled out what the administration must do in order to participate and assist the teacher in the disciplining of a hard-core problem. This is certainly an educational policy area into which we have entered, and this has spread.

There is the matter of curriculum, too.

I have mentioned textbooks. There are many other curriculum areas that we have entered into. The teaching of what is now called Afro-American history. The history of the Negro both here and in Africa has been one of our concerns. This is spreading. I know of several classes teaching that subject in New York City. This movement is taking place in other cities and the AFT has been a great influence in bringing that about.

And finally, I think that we have had a tremendous impact (or the whole teaching-learning process.) I will mention only very briefly something I hope you have heard about. If you have not, you certainly ought to familiarize yourself with it; namely, the More Effective Schools Program. We initiated this while I was still in the New York City local as president. The program offers a total approach to the educational process, not a little gimmick here and a little gimmick there. The More Effective Schools Program is not just compensatory education as we generally understand it, but a total program. I am not going into details, but just imagine anything that you think is necessary to bring about good education of the particularly underpriviledged, and that was included in the More Effective Schools Program.

After some resistance on the part of the die-hard Board of Education, which you generally have to expect, the Superintendent and the Board of Education agreed that we should all sit down together--representatives of the AFT, the supervisors, and the Board of Education--and map out this More Effective Schools Program based upon the union's proposal. To the credit of the Board of Education, it must be said that they recognized this initiation of the American Federation of Teachers by taking over the name of the program, the More Effective Schools Program. We are now pushing that program throughout the country. If you have not heard about it yet, you soon will. We have a man whose heart and soul is in this program. As the chairman of the National Committee on Effective Schools he has been traveling all over the country for the past couple of years speaking with superintendents, boards of education, state legislators, and community groups. After we get through with our disadvantaged areas we can use the same idea in our more priviledged areas because they, too, can stand some improvement.

These have been some examples of the educational policies in which we have had a great share as a force for change. But I would add change in teacher-administrator relationships. There was a time, as you know, when all decisions were made unilaterally. The teacher came, hat-in-hand, to the board and might or might not be permitted to speak for five or ten minutes. When he was through, just as somebody said today, the board said thank you for your contributions, then behind closed doors, they made their decisions. Likewise, on the lower levels within the school systems and within individual schools, decisions were made unilaterally by the principal.

Now we have changed all that. We started out in New York City with a provision, for example, that the superintendent of schools is mandated to have monthly conferences on policy matters with representatives of the union. I have not kept up on that sufficiently, but from what I read in the papers and union publications, these monthly conferences have become more or less permanent ones. And on the school level, the principal is mandated in the contract to have a conference at least once a month with the representatives of the union chapter in the school. They have to be real give-and-take conferences, not just one of these listen-and-goodby sort of things. There has been a real revolution, and we have been the force for change.

Now, I want to go very briefly into a different area. There have been tremendous changes outside the school system--changes in the multiplicity of social problems that we face in our nation. These problems seem superficially related to the business of the teacher or superintendent, but really, when you come down to it, nothing influences the education of our children more than what the teacher does in the classroom. Among these are: extreme poverty; slum conditions; and joblessness, particularly among the adolescents who roam the streets with nothing to do and who are open to natural temptation of delinquency and criminal activities. There are also problems in regard to segregation and racism.

Now all these problems are ones in which the American Federation of Teachers and its locals have had very deep and active concerns, as indicated by our freedom schools in southern communities where the schools were shut down by the white citizen councils.

But mainly I would say that we have made our contribution through our affiliation with the labor movement, the AFL/CIO, for which we have been attacked from various sources. As President Johnson has said on several occasions, "The one organization that has contributed most to the improvement of the conditions of the common man in our country, not only of union men but of all the common people in the country, has been the AFL/CIO." We are very proud to have that affiliation and to be able to work with them to bring about these improvements. And so I would say in conclusion that I think it is quite obvious, or should be, that the American Federation of Teachers and their various local and state affiliate bodies have certainly been a most vital and significant force for change, and I hope for the better.

DISCUSSION

Question: I am a bit concerned about the "gray area" that you are speaking of. For instance, the assumption that if we have a small class size we will be better teachers. I am assuming that this is the trend you are going after.
Cogan: Well, partially.

Question: Well, what do you do in a situation where class size will really hinder structural organization in the curriculum development of the school?
Cogan: Stated rather briefly, we provide for exceptions. If I recall correctly, it was earlier indicated that specific provisions were made for modifications in case of experimentation. And, of course, there is the example of health-education classes. You certainly will not have health-education classes of 20 or 30 or 40, but even there you have got to exercise some control. If you have 300 children on the floor you do not want to leave one teacher in control. You still have some union participation that is necessary in situations like that.

Question: Do you believe that this would lend to cycle innovations within the schools in the terms of the administrators and the teachers?
Cogan: No. I just indicated that specific provision is made for exceptions in order to provide experimentation, innovations and so forth. Now you might go on further and ask, "Who should decide whether it is an innovation or an experiment that justifies a class of 40 instead of a class of 30 or 35?" Well, that is where your third party, impartial arbitration comes in.

Question: What policy is the American Federation of Teachers national office proposing or suggesting in order to bring about a greater balance, racially, of staffs in light of past policies that have been rigid over the years?
Cogan: Well, to be very frank with you, this has been one of the serious bones of contention and a great stumbling block. And, I would add that I do not think that there has been a completely viable solution. But at least there have been talks, and this is significant, for it brings these things out into the open. Some steps have been taken in New York and Philadelphia. There, they have taken some steps to provide for a policy, but it is still, by far, an unsolved problem. But let me add this. The two major alternatives that have been proposed by all kinds of organizations--civic, parent and so forth--are: (1) forced rotation, and (2) bonus paid for teachers that go into the difficult schools. We are definitely and wholeheartedly opposed to those for many reasons which I have no time to go into here.

Question: I want to inquire if the More Effective Schools Program found in New York City and other communities includes a provision for staff integration?
Cogan: My recollection is that there is something about the goal of integration. To what extent that has taken place I am now not sure. But at any rate, the goal is further integration. Let me tell you this. It has been reported to me on what is reliable authority that it is no longer a problem to get teachers into the difficult schools. At least that seems to be correct for the More Effective Schools. Now teachers are knocking at the doors to get into those schools. And that, I think, is worthy of a lot of thought and action.

Question:
Cogan: I do not know if I can take the time to answer that. Let me start by putting

it this way. The National Education Association has gone on the road of militancy in some communities. Unfortunately, they have not done enough. They have gone on the road of classroom control, which at first was an anathema to them. Unfortunately, due either to their inexperience or their lack of complete devotion or understanding of that process, in many areas they are making a terrible fizzle of it, as they did in Montgomery County. This afternoon I look forward with great relish to what is going to be said about Montgomery County. In some respects there are these similarities developing.

Major differences? Well, the number one difference is that we are affiliated with the labor movement, and proud of it. We feel that it helps us immensely. In Pittsburgh the labor movement is giving us a tremendous amount of help in a variety of ways. They help us as a union and they help us in education. If you read your history you know that it was the labor movement that was the main force for more than 100 years in bringing about free compulsory and universal education.

I think the other differences that exist can be overcome. They are gradually being overcome as the NEA programs become more militant and more accepting of collective bargaining. Also, they are getting rid, here and there, of the supervisor domination. There, in brief is the picture of the major similarities and differences.

Question: Would you comment on Federation policies and what union securities calls its master agreements.
Cogan: We have no definite policy on it as yet. The question has many pros and cons. On the one hand, of course, this is a Civil Service situation and you might say that the union securities type of thing does not belong there. On the other hand, just to put it briefly, and outside of additional argument, the one major argument that is raised is that these non-union or non-NEA people are getting the benefits and they ought to pay for it, and not be free riders.

Question: Do you support it?
Cogan: As I indicated, this policy is still in the process of consideration as far as the AFT is concerned. Now I have some private views, but I do not think these things are going to be too interesting to you.

Question: Do you see the day when unionism will saturate the whole service area of people. For instance, will the profession of doctors, lawyers, and so on be unionized?
Cogan: First of all, this is an extremely important problem for many reasons, and to the labor movement in particular, because the service industries are increasingly becoming the majority group in the occupational forces of our country. Both in absolute terms and in relative terms, the service industries of all kinds are becoming the major group. The labor movement is very keenly aware of that situation. The progressive ones in the labor movement know that they have got to get in and organize those service industries if they want to grow and survive. In answer to your question, we have given more and more recognition to those groups. Of course, it is difficult and perhaps even impossible to organize into a union, a lawyer, who is an individual and has no boss. Why would he want to join a union? I do not know. Maybe if I looked further I could see some reason for it. The same applies to a private doctor. But there are lots of doctors who are organized into industrial unions in situations where they are not practicing privately. I think by the very nature of the evolution of our industrial society, inevitably there will be more and more service occupations that will come within union jurisdiction and will join. I want to add one more thing. Within the AFL/CIO, and largely under the leadership of the AFT, and here I must with due humility, claim a major portion of the responsibility. We have organized a Council of AFL/CIO Unions of Scientific, Professional and Cultural Employees. Notice SPACE, you may see that phrase now and again. We have this amalgamation whose main purpose is to coordinate all of these professional, scientific, and cultural employees.

Question: Back in your younger days did you belong to your local, state, and national education associations? I am trying to trace back and see if you were actually dissatisfied with those organizations?
Cogan: Well, I certainly was dissatisfied.

I came into a classroom in 1924 and joined the union the very first day I became a substitute teacher.

Question: I was wondering if you belonged to your local education association, not the union, in the beginning?

Cogan: No, I never did. I know we have many union members who have come over from the NEA. There are also many situations where people somehow live the schizophrenic life of belonging to both the NEA and the AFT.

THE FUTURE OF NEGOTIATIONS FOR TEACHERS

by

Mr. Terry Herndon

As Dr. Donovan has indicated, one of the peculiar fixes we find ourselves in, if we are actually involved in negotiations, is that we do not have much time to write speeches. We are so busy collecting experiences to tell people that we do not have time to reduce them to writing. But I will try to take a quick look at what I foresee to be the future of professional negotiations.

Teacher negotiations is inseparable from the modern day phenomenon of a new kind of teacher organization. Teachers are saying things and doing things they have not said or done heretofore. They are deploying themselves to new objectives that in the past have been pretty much neglected. It is difficult to talk about teacher objectives without talking about teacher militancy and work stoppages--strikes of one kind or another. It is even more difficult to sort them out and see what are causes and what are effects and what are produced by the same forces. I do not suppose I will be able to do that, so we will consider them as not separable.

The most significant thing taking place in many school districts where there is some experience with negotiations is a maturation in relationships. In saying this I take some exceptions to the observations of Dr. Donovan, who believes the union is maturing. I prefer to think that the relationship between the union or the association in the respective school districts is maturing. We can see growth in these relationships as we look at those districts that have had several consecutive years of experience. It is in looking at such relationships that we can more clearly assess what the future is going to be in negotiations.

One thing that cannot be overlooked: there will be no reprive in the aggressive behavior of teachers. Teachers will intensify what has been known as "teacher militancy"--their aggressive efforts in negotiations. They are going to bring forth more intensive demands than they have in the past. Why do I say this? I relate it to simple social phenomena of similar movements. We find much written about the race riots and various revolutions. One of the things the writers seem to agree on is that people who have arrived at the brink of hope are the most aggressive, most militant, and most effectively organized for mass action. This seems to be the case with teachers today. They are working in a new situation in which they have greater opportunity. They are in a culture with unprecedented affluence. They will become more militant in their drive to have greater control of their own professional destinies. And they will become more militant and more aggressive in asserting their right to have some full measure of partnership in deciding upon the new directions and revisions of educational planning. This is a fact of life with which we have to live.

There are probably some of you who will say, "It is different where I come from." When I go out to work with teacher locals, I always know that I am in trouble when the teacher organization starts telling me how it is different in their particular case. I think of the many occasions where this has been said; and yet we find in reality it was not different at all. Somebody had a grossly distorted perception of reality. The leadership in Kentucky said, "What is all this talk about collective bargaining and negotiations and strikes? We do not have this problem here!" One month later they tried to open schools and found they did not open in one county. A month after that they found them closed again in Pike County.

We find it everywhere. Even more prevalent than among teacher leaders, we find it among superintendents and board members. When I call upon a school system in Texas or Oklahoma or Iowa, I get invited first of all to the superintendent's office and advised that "Things are different here. Our teachers are happy. We think there will be professional negotiations someday and I will point out to the teachers when the time is right. It all depends upon patience and tolerance. You have a major responsibility today because if you can go away causing our Board of Education to fall in love with teachers, it will hasten the right time for professional negotiations." This is not reality! It is not reality anywhere. It is not reality in West Virginia.

The realities, I think, are quite simple. They can be perceived as we look at this maturing relationship of which I spoke. The over-riding trend seems to be some measure of peace or coexistence followed by a period of adjustment that is very traumatic and frequently resulting in disruption of the school operation. But generally this is followed by a new kind of coexistence and a new kind of peace which I think is more productive than the former. We move from peace to discord to peace. It appears that identification of this pattern could help by short-circuiting it, and perhaps eliminate the center discord. We may be able to arrive at what the future holds in negotiations without going through the turmoil and the trauma of the discord.

One of the things that seems to be happening is an emergence of a new kind of leadership pattern. You are all familiar with the tradition of public education. There was active support for, or acquiescence in, the notion that the administrator was the educational leader. The superintendent was the leader of the district; the principal was the leader of the school, etc. This no longer exists. People are coming pragmatically to accept the fact that teachers, like everybody else, will appoint, designate, or elect their own leadership. This is not to say that there are not some administrators who have performed admirably in the leadership role. But teachers are demanding that teachers articulate the point of view of teachers. I think this will find wider acceptance. It will become a new part of the educational scene.

There is a growing understanding that, as power positions are balanced, conflict becomes rather inevitable. We used to talk about one happy family--about everybody being on the same side. One of the dimensions of the future of teacher-board relationships will be the recognition of the fact that in a family where people speak from positions of relatively equal authority or equal power, conflict is nearly inevitable. It is far more sophisticated to recognize this, and to provide an orderly means for dealing with conflict, than it is to pretend there is no conflict. A quiet family is one in which at least one party in being suppressed rather than speaking as it would like to speak.

One dimension related to impasse resolution is the whole matter of grievance processing. They cannot be separated. Grievance processing is no longer feared, but is accepted as meritorious. We know that problems exist. The whole spirit of negotiations is to get problems out of the teacher's lounge and onto the table where they can be dealt with and provided for. Procedural agreements are being drawn to provide for expedient resolution of dissatisfactions and frustrations. We are shortening grievance procedures. We are providing more absolute protection for the teacher alleging to have been wronged. We are finding a much higher frequency of binding arbitration as the final step in the machinery. This offends some boards of education, but it does provide an orderly method for dealing with conflict. We are finding it is more satisfactory to solve problems than it is to allege victory. It is more important to deal with the conflict and to manage it than it is to decide who won. This is being accepted.

We find less talk about board prerogatives and administrative needs and demands. We find that there is great expansion in the scope of negotiations. I find in situations where there is conflict that the board of education or the administration says, "No, we do not want to talk about that." In one recent strike five hours were spent deciding whether or not two simple items should be placed on the negotiations agenda. Of course, they ultimately were. There is less concern about what I refer to as the "divine right" of boards of education to rule. I think that is basically what the conflict is all about. Boards are saying, "We will rule. We are autonomous. We have powers vested in us by the legislature which we will not compromise." But teachers are saying that "divine right" does not exist. This is the basic conflict. Conflict will not be resolved until an effective dialogue replaces the defensive posture taken by those who protect the status quo.

So I see wider acceptance of negotiations as a part of the future. There are those referred to as "harbingers of doom" who talk about the terrible consequences of teacher negotiations. But as we move through the trauma of the discord to the bliss of a new, more productive interaction, we find that contracts have been written which provide for an expanded scope of negotiations. They provide for building-level negotiations to solve those kinds of problems. They provide for joint committees to study and make recommendations regarding those provisions that have long-range and complex implications for district managements.

What does this say about the future. In many places there will be a more intense trauma because I find that teachers, boards of education, and school administrators are very slow learners. They do not like to learn vicariously. The typical position is that it will not happen here--it is different here. Inevitably we find that it is not so. So we must learn directly. A board of education very recently told me that *everything* in the contract must be qualified to provide for the best interests of the school district. Who will determine the best interests of the school district? The board of education, naturally, since they are elected by the people to do so. This is inviting trouble. This kind of board resistance to the process of effective dialog with employees, and to the formulation of policy, is an invitation for conflict. For example, after three weeks of strike a board continued to hold to the position that it *would not* negotiate under the threat of a strike. It *could not* negotiate under the threat of a strike. But it *did* negotiate--in secret. The negotiations took place in the back room of a roadhouse. There was a problem that both parties had an interest in solving and that mandated some negotiations.

We find boards in many places taking the position that negotiations are not legal. When enough pressure is applied, it becomes legal. A board recently told us it was not legal to submit grievances to binding arbitration. In the face of my very cursory brief, and I am not an attorney, they conceded, publically, that they took their position only because they did not want to submit grievances to arbitration. This is a position with a little integrity. It is a perfectly honorable position to say, no. It is a perfectly honorable position to say, maybe. But to hide behind a law that does not exist is to invite conflict.

The worst mistake administrators make, because they will not learn vicariously, is to suggest throughout the negotiations that they have more valid insights into teacher aspirations and objectives than the elected leadership. Invariably in the first round of negotiations you have such responses as: "Do all the teachers feel that way?" "I do not think the teachers feel that way." "I had a phone call the other night." or "I met with four teachers over here the other day." The Board constantly challenges the elected leadership of teachers. When peace returns, when the conflict and the hostilities are over, there generally is acceptance of the fact that elected teacher leadership does truly speak for the majority of the teachers.

What, then, do I see in the future of negotiations. First, a much improved economic status for teachers because there will be hostility and there will be conflict until that comes about. Teaching must become economically desirable--not economically competitive--but economically desirable. Teachers have embarked on that course. They will be satisfied with nothing less. Second, there will be an expanded scope for negotiations. I see this in many places already. If there is a problem, if there is a frustration, if there is an aggravation, we must deal with it. Perhaps the answer will not be affirmative, but we must discuss it and explain why the answer is such. We *do not* strike it off the list and remove it from consideration.

I see in many places where negotiations are successful that boards of education no longer say the answer is negative. In the face of a demand for rigid class size, perhaps the response would be, "This causes problems

X, Y, and Z in the administration of the schools. Is there any way we can satisfy the teachers' problem and accommodate our problem at the same time?" Through an effective dialog it becomes possible to work out a compromise position on this demand.

The future will be marked by altered power positions. Teachers used to engage in "collective begging." The board of education's position was rather well known and it was here that the teachers did all that they could via begging. That will not be a characteristic of the future. Collective bargaining is distinctly different from the collective begging that has characterized public education.

Further, there will be a sharp definition of leadership and authority. Our tradition has been to confuse them. Principals are saying that we are restricting their opportunity for leadership. I see no way this can be done. We are restricting their authority and thus creating a situation where they must rely more heavily upon leadership. They have confused their roles, authority, and leadership. They have talked about leadership in the past in terms of going to the teachers' lounge and finding out who is on bus duty. This was leadership because it solved the problems as to who supervised the bus. When they can no longer do that; when they must rely upon influence and persuasion to get the task done, then they will exercise true leadership. Yet they say that we have restricted their leadership capacities. This is not so, and I think in the future we will understand that there is a difference between authority and leadership. Authority will be restricted. The opportunity for leadership that emerges from a situation because of a person's ability to help a group achieve its goals will not, and cannot be, restricted via a written document.

Unfortunately, as I look ahead, I see some separation in the professional organization between teachers and administrators. For purposes of negotiations or collective bargaining, teachers will be an entity unto themselves. Teachers will speak for teachers. The principals' point of view will reflect the management perspective. They will be the adversary of the teachers in the negotiations process. One important difference between my feelings and those that are often articulated is that I do not believe this is the death knell for a united, comprehensive, and professional organization. I think that future negotiations will open more doors than they close. As Dr. Donovan pointed out, the relationship is again maturing. There is more effective interaction. Problems that arise are being solved. Contracts will continue to include restrictive language to prohibit those practices that have been offensive to teachers. What they do mean is that movement away from the rigid restrictions of the contract will be bilaterally agreed to, not that there will be no restrictions.

I think that local negotiations will begin to interact more dynamically with state-wide legislation, I cannot agree with my colleague from Connecticut that state-wide negotiations will supplant local negotiations. But I do know that in Michigan the results of negotiations are creating needs and pressures that are going to force the legislature to take certain kinds of action. Uniformity of practice across the face of Michigan will bring about more pressures upon recalcitrant districts to fall in line or to go out of business for want of personnel. There will be an influence here to greater uniformity in work practices across states, and even across the nation. Like national testing programs, the foundation programs, and other kinds of nationalizing influences, I look for negotiations to be one of these. Because of the role that the state associations, the national association, and the Federation play, there will be a more uniform demand coming from teacher organizations across the country.

This, I think, summarizes what I see in the future. I know that it has been much too brief. Let us use the remaining time to answer questions you might have about what I have said, or about what I did not say.

DISCUSSION

Question: You started by using the expression "professional negotiations." Before you finished it was "collective bargaining." Is that an occupational hazard?
Mr. Herndon: It is not for me. My position has been constant on that from the beginning of my career. I do not distinguish between the two. I do not distinguish between a work stoppage, a strike, or a professional holiday. I do not distinguish between negotiations and collective bargaining. The topic I received was negotiations. Bargaining is my more familiar term.

Question: There has been some discussion in the *Phi Delta Kappan* about getting the two organizations together. Have you ever made an appeal, even off the record, to put them together?
Mr. Herndon: I personally have discouraged the damning of one another. It does not change my personal prejudices, which are about all that I can share with you. As long as the leadership of the Federation holds the opinion that affiliation with organized labor is desirable for teachers; and as long as the leadership of the National Education Association shares my position that affiliation with labor is undesirable for teachers in public education, we cannot come together.

Question: Is this the only point that separates you, or are there others?
Mr. Herndon: I would have to agree with Mr. Cogan. The other points are minor. The other points are primarily operational techniques. Union affiliation is very deep--it is philosophical.

Question: Do you look to the prospect of counter organizing activities, particularly organizations of student and parent groups, in response to the organization that you uphold?
Mr. Herndon: I do not really think so. Dr. Donovan, however, points out that this is happening in New York.

Question: Would this be desirable in the same sense that organization as a general principle is desirable?
Mr. Herndon: We are in a culture of organized people and we are finding in many places, particularly in our urban centers, that parents and students are organizing to present their point of view. I do not doubt that this will continue, but not in the context that you placed it--as a reaction to teacher organizations. I do not think that teacher organizations are going to stimulate this.

Question: Regardless of the reaction, do you see this as a desirable kind of activity?
Mr. Herndon: Yes.

Question: Are you saying that the community will not become increasingly resentful about teachers who just barely earn their keep in terms of social costs getting more money?
Mr. Herndon: You say *increasingly* resentful. I do not think so. There are communities that resent this just as there are teachers who resent it. I have resented it as a teacher, but I do not think the employment of inadequate personnel, or the keeping of inadequate personnel, can be laid at the feet of the teacher organization.

Question: Well, it seems to me that it represents a change in degree. You do not mind someone making as much as you do if you think he is good. But when you think he is getting more than that, you begin to wonder about it.
Mr. Herndon: As the local teacher leaders we demanded more intensive supervision and more intensive evaluation. This is one of the things that was turned down as being prohibitive in cost. In all cases it cannot be laid at the feet of the teacher organizations. The public agitation is a reality. I cannot deny that, and it is as it ought to be.

Question: What happens if the board does not want to negotiate?
Mr. Herndon: Your board will accept negotiations in one of two situations. First, when it becomes undesirable for them not to, and second, when they want it. If they are not going to come to want it, you are left with the other alternative. If they can reject it

with impunity, and they do not want it, why should they accept it? The next step is a display of your teachers' desire to secure negotiations.

Question: What is the NEA's position about controlling the quality of teachers entering the profession?
Mr. Herndon: There is no NEA policy on the particular provisions of contracts. Inasmuch as I am one of two national negotiators, half of the people that receive NEA help receive my advice on controls. I personally believe that this is one of the things that distinguishes the NEA from the Federation--a concern for the quality of the professional practice. I believe that this is one reason why we have not been successful as an organization in the big cities where they employ thousands of people who are not fully certified. Our organization and the position it has taken over the years on professional quality poses a threat to these people.

Question: Is it not true that a large number of people find it to their advantage not to build the quality element into compensation, or anything else?
Mr. Herndon: I can only share with you my personal feeling since the NEA does not have a position on this. My personal feeling is that I cannot assist teachers to build into contracts featherbedding practices, or those things that will cause the perpetuation of inadequate performances. I do encourage them to build in provisions that will guarantee every employee, even the worst employee, the right to some kind of due process and fair treatment. I have a personal prejudice, which I hold very strongly, that the large measure of inadequate performance in the public schools today is not the result of tenure laws, but the result of the fact that tenure laws are improperly used. We do not decide today that a teacher who has been previously found satisfactory is now no good--not unless you are prepared to substantiate the fact that there is something different about that teacher today than there was last year, or the year before that. This is not often done.

Question: How do you get rid of an unsatisfactory teacher?
Mr. Herndon: You have had the teacher for a number of years. Have you ever advised him that there is something wanting in his performance?

Question: No, it is mediocre, but there is a teacher shortage.
Mr. Herndon: The fact that there is a teacher shortage does not make that teacher's performance satisfactory if it is not. If there is something wanting in the performance, then it is wanting.

Question: Yes, that is true, but you will have to admit that we have to put up with it, do you not?
Mr. Herndon: I think you are talking about the problem that has caused this condition. It has not been the teacher organization. The observation that I would make is that most NEA state affiliates have made an effort to secure professional practice legislation. So long as the statutory authority for determining who enters the profession and who leaves the profession is vested in the administration and the board, then I say that it is their problem. It is the teacher organization's responsibility to see that even the worst are entitled to due process and just cause. If we get into a situation where statutes are changed and the decision as to who enters and who leaves the profession is given to the profession, we will have a responsibility that we must live up to.

Question: Will you please further explain your position on strikes and the need for equalizing power?
Mr. Herndon: I feel about the strike much as I do about war. It is very undesirable. You make every reasonable effort to avoid it, but you do not avoid it at all costs. Now, some means to equalize the power positions is essential if there is to be real bargaining or real negotiations. At this point my imagination is not flexible enough to produce anything which really serves as an alternative to the strike when you need to display your power position. As indicated earlier by another speaker, collective bargaining without the strike contributes nothing to the solution of the problem. What they must produce is an alternative or recognize that a strike is going to take place.

PROFESSIONAL NEGOTIATIONS IN MONTGOMERY COUNTY

by
Homer O. Elseroad

I am indeed pleased to participate in this conference on professional negotiations at the beautiful site of the University of West Virginia.

Let me give you a little background about Montgomery County. It occupies an area of over 500 square miles on the northwest border of the District of Columbia. We have a mobile population--about 7 per cent of our people move each year. The educational level of adults in the county is high. A recent census indicated the average is about two years of college. We have a lot of bright students in our schools. The median I.Q. is around 115. Many of our parents are employed in technical and professional occupations. The National Institutes of Health, the Bureau of Standards, and the Atomic Energy Commission, plus several large research and development firms are located in the County. The average income per family is reported to be a little over $13,000.

Our school system has a reputation of being innovative. We have 164 schools housing a school population of 116,000. We have attempted to give schools a lot of autonomy. To this end we have developed a decentralized organization whereby the county is divided up into twelve areas with an area director, or in some places it might be called a district superintendent, in charge of each area. We have made extensive provisions for a great deal of teacher involvement in the decision-making processes in the school system. Schools have been provided a lot of freedom in curriculum, in teaching methods, and in organization. You will find examples of every kind of school organization among the schools in Montgomery County.

We have had to recruit teachers extensively since our school enrollment has been growing about 5,000 pupils a year. We employed 1,300 new teachers last year. We recruit nationally and, over a period time, have sought people who are independent thinkers--who speak out and express their views. In Montgomery County, we have had a good financial base for education. Our cost per pupil has gone up in the past ten years from $340 to $840, or about two and one-half times.

The largest teacher organization in Montgomery County is the Montgomery County Education Association (MCEA). This has been a very progressive organization. It is about 80 years old. Up until five or six years ago, it enrolled over 90 per cent of the professional personnel in the school system. The membership has dropped off during recent years until now it enrolls a little under 70 per cent. It has been attacked by teachers in recent years on a number of points, one of which is that it is administration and supervisor dominated. I do not think this is a valid criticism, but from a teacher point of view there is some evidence that might make it look that way. For example, of the five elected officers of the organization, more than half each year have been administrative or supervisory people.

In 1963, a new organization was formed in Montgomery County called the Classroom Teachers Association. It attempted to affiliate with NEA, but MCEA was successful in blocking that affiliation. The Classroom Teachers Association has never become very strong, but it has been an irritant to MCEA since its formation.

In 1966, a local affiliate of the American Federation of Teachers was organized in the county. Again, the reason given for the birth of the Union was that MCEA did not really represent the classroom teachers. The Union has grown slowly and probably has about 400 members at the present time. It has been given a lot of visibility, gets a great deal of publicity, and constantly harrasses the MCEA, criticizing it for the things it does do, and chiding it for the things it does not do.

Professional negotiations in Montgomery County has evolved from discussions on this topic dating back to the beginning of 1964. During that year, MCEA and the superintendent attempted to develop a procedure for beginning professional negotiations. We did not have a law in Maryland that authorizes or establishes procedures for doing this and we had a great deal of difficulty getting the Board of Education to recognize MCEA for consultation or negotiations purposes. After about a year and a half of discussion and maneuvering of various kinds, the Board of Education adopted, in June 1965, a resolution recognizing MCEA as the professional association that would be the spokesman for professional personnel in the county.

The Classroom Teachers Association continued to attack the Board of Education and MCEA and was instrumental in getting a ruling from the Attorney General that the procedure was irregular because MCEA could only be the spokesman for its members.

In July 1966, the State Board of Education adopted a by-law which established procedures for granting recognition to a teachers organization for consultation purposes. The Board of Education recognized MCEA in accordance with this by-law and since September 1966 we have been carrying on first consultations, and more recently, we have changed the procedures and terminology so that we now call it negotiations. At any rate, we have been carrying these activities on very successfully since the fall of 1966.

The procedures provide that MCEA and the superintendent will each appoint a team. MCEA's team was made up of the president, vice-president, and the executive secretary. The superintendent's team has been made up of the assistant superintendent for personnel services, the director of professional personnel, and an area director. These teams met about 30 times in the year-and-a-half prior to the strike. They dealt with virtually all of the subjects on which we had Board action or on which we were promulgating procedures that would affect teachers.

I can give you a few examples: The staffing standards for library aides; the revision of a number of personnel policies; a revision of standards for secondary counselors; the school calendar for FY 68; a new retirement plan--a county retirement plan to supplement the state retirement plan; a new conflict of interest policy. These are just a few examples of dozens of policy items that we developed with the teachers through their professional organization.

Through these two teams we worked out a very successful salary plan for the current year. It has proven to be an excellent salary schedule. A couple of weeks before the strike in Montgomery County NEA put out a publication crediting us with the best salary structure of any large school system in the United States.

In preparing the budget for next year, we entered into extensive negotiations with MCEA and successfully negotiated the calendar for the new school year, and a salary agreement. We started in mid-October and carried on daily meetings of the negotiating teams to arrive at an agreement on a salary program by November 15. The members of the two negotiating teams signed the agreement. It provided for a base salary of $610 per month for a 10-month teacher and had four or five other elements affecting salaries.

At the same time we worked out a calendar for ratifying the negotiated agreement. This calendar provided, at the request of MCEA, that the agreement would first be presented to MCEA and after it had been ratified by them, it would be presented to the Board of Education for action. On December 5, the salary package was presented to the MCEA delegate assembly and ratified by them as provided for in their constitution. Our calendar called for the Board of Education to act on the salary package on December 20. At another meeting of the delegate assembly two days later, they voted to rescind their action on the agreement and so informed the superintendent by letter.

These actions produced great upheaval in MCEA. The president resigned in protest as well as the other members of the negotiating team. The vice-president, a social studies teacher in one of the schools, moved up to the presidency, and he appointed a new negotiating team made up exclusively of classroom teachers. We took the position that an agreement was an agreement, that it could not be rescinded, and we continued to ratify the agreement according to our calendar. The Board of Education did, however, meet with the executive board of MCEA in a private session and again in a public session prior to taking its action on December 20. At neither of these meetings did MCEA indicate in what ways it wanted the salary program improved. Thus, on December 20, the Board adopted this originally-ratified salary package.

On December 21, the superintendent wrote to the president of MCEA suggesting a meeting to determine whether or not there were elements of the salary package on which there should be further discussions. A little more than a month later, on January 26, we finally got the negotiating teams together to begin discussing possible changes in the $610 base. During this intervening month, however, MCEA had a mass meeting of teachers to which the President of NEA had come and spoken. He in effect told them, "If you do not strike, you ought to be ashamed of yourselves." I believe this meeting had a great deal to do with creating a psychological and emotional climate for the strike which came along a little later.

On the 26th of January, we convened the negotiating teams to attempt to negotiate a better salary base. They worked from Monday morning through Thursday noon and could not reach an agreement. I met with the two teams and explained to them that, as they quite well knew, according to our procedures, if they were unable to reach an agreement the two points of view were to be presented to the Board of Education. I asked if they would like to do this. They indicated that they would, and we called a meeting of the Board of Education that afternoon.

The Board met at 2 p.m. The superintendent presented the position of his negotiating team that provided for increasing the base to $6,200 with an additional $50 at the beginning step. The president of MCEA was invited to present the position of his association. He said that they believed an impasse existed and that the Board should invite mediators to come in and resolve it.

Our procedures had made no provision for impasse. The President explained that the Board was, in effect, attempting to resolve the impasse; that they were meeting to hear the two positions and would attempt to find a resolution after hearing the arguments for each of those positions.

The president of MCEA said that he felt he should present the position of the association to a delegate assembly meeting scheduled later that afternoon, before presenting it to the Board of Education. After about 45 minutes of general discussion which was not fruitful, the MCEA representatives asked to be excused and left about 3;45 to go to their delegate assemply meeting. At that meeting they voted to go on strike (withdraw their services).

At the time the strike was called, MCEA had not placed its salary demands before the Board of Education. It was not until after the strike was called, that the Board learned that MCEA's position was a base salary of $6,400 plus $200 on the first step, or beginning salary of $6,600.

On Friday, February 2, we decided to hold school and we urged teachers to report to their schools by radio and television. About half of the teachers, however, did not report for work, and so we closed schools on Monday, February 5.

The negotiating teams resumed meeting on Monday, the 5th, and decided to work around-the-clock until an agreement was reached. Late in the evening of February 6, the negotiating teams did reach an agreement at a starting figure of $6,325. In the meantime, that afternoon, we had gone before the Circuit Court and asked for an order to enjoin teachers from striking. The Court granted that injunction and ordered the MCEA to appear on Thursday to respond to the order. With the agreement of the negotiating teams at $6,325, the order of the Court enjoining teachers not to strike, the superintendent announced on radio and television that teachers should report to their schools for a professional day on Wednesday and to receive students on Thursday. During the strike we had had professional days for about half of the teachers who were reporting to schools every day.

MCEA called a meeting of its delegate assembly at midnight on Tuesday to ratify the $6,325 salary agreement. Much to our surprise, they did not ratify the agreement. They got caught up in a discussion about a no-strike clause, which was relatively meaningless from our point of view, and talked as if they did not really want to end the strike yet. MCEA held two mass meetings on February 7 to present the agreement to teachers, but it was presented in such a way that teachers did not understand it and they were not encouraged to support it.

Hence, the strike continued. On Thursday, February 8, the Court granted an interlocutory injunction ordering the strike to stop, but did not order teachers back to work. The court order said that all picketing must stop and that no meetings or activities could be carried on to promote the strike. Thus, on Friday, we reopened schools and expected teachers to be back under court order.

Much to our surprise, Dr. Gary Watts, director of urban services for the NEA, called a mass meeting of teachers in Montgomery County and about 1,800 of them attended. Dr. Watts and several others in MCEA who were instrumental in carrying on this meeting, were cited in contempt of court. Subsequently, he and one other person were found guilty of contempt but had their sentences suspended.

Many of our teachers did return to work on Friday, and all but six of our schools operated fairly successfully that day. We were prepared to operate schools again on Monday, and I believe that most of our teachers would have been back on the job at that time.

We carried on negotiations over the weekend and reached an agreement at a $6,340 base, $15 higher than the figure that had been agreed upon four days earlier. The MCEA delegate assembly met on Sunday to consider the agreement reached by the negotiating teams. All schools opened on Monday and all teachers reported. The teachers discussed and then voted on the salary agreement by secret ballot in their schools on Monday and approved it. The delegate assembly met Monday evening and ratified the agreement. The Board of Education met on Tuesday and also ratified it so that the base figure in the salary package during this period of time had been changed from $6,100 to $6,340.

Now a little bit about what has happened since the strike ended. All teachers reported to work on the Monday after the court order, and they have been at work regularly since. There were hard feelings in some schools because about half of the teachers were working throughout the strike and they were getting paid. The other half who were on strike did not get paid. We delayed the opening of schools for pupils on Monday by one and one-half hours so that principals would have a chance to meet with their teachers to get reorganized. Generally, the attitude was very good. It appeared that teachers were relieved and anxious to get back to work.

In an attempt to have the superintendent and other top administrative persons in the school system have first-hand discussions with teachers about their concerns, we have offered to all schools to have the superintendent, deputy superintendent, and four assistant superintendents clear their calendars for Wednesday afternoons. Any one of them will be glad to go to any school in the county to meet with small groups of teachers, or the whole faculty, to discuss whatever topics are on their minds. As a result of this, I have scheduled meetings on Wednesday afternoons for most of the rest of the year to meet with faculties, and other members of our staff have done the same. In the meetings we have had to date, we find that there is genuine interest and desire on the part of teachers to express and exchange their views and concerns about the school system.

Another thing that occurred was the introduction of a negotiations bill in the State legislature. Last year, there was a negotiations bill that would have set up legal procedures for recognizing teachers' associations and giving them negotiating rights, but it was defeated. It was reworked and resubmitted this year and passed.

Now that a couple of weeks have passed since the strike--what were its causes? As I have told you, according to the NEA, we have the best pay structure of any large school system in the United States; we have excellent facilities; we have a challenging community in which to teach. Why the strike? I think there are many facets to the answer to this question. We are living in a protest era. I predict we will have a great many teacher strikes across the country and we will have strikes or work stoppages of one kind or another in many areas of employment where it has not been true in the past.

Another important facet was the NEA urging. President Alonzo said to our teachers, "You ought to be ashamed of yourselves if you do not strike." He came to Montgomery County, walked the picket line, and helped to fan the fire for a strike. Some of us believe that NEA wanted a strike in Montgomery County so they could go to a lot of other places in the country and say, even with a good salary structure, Montgomery County teachers went on strike, you can do no less.

A third contributing factor was internal problems in the way business was conducted by MCEA. There has been a conflict within MCEA as to whether or not the leadership really represented the classroom teachers. Also, for more than a year MCEA has continued to publicize in all of its literature that it was demanding an $8,000 starting salary for teachers. They had so built up this expectation in their minds of young teachers that they were in a very difficult position in negotiating for a reasonable starting salary.

A fourth and major reason is or was the challenge of the Classroom Teachers Association and the challenge of the union. The union was breathing down the neck of MCEA and in a sense, I believe, many of the people in MCEA felt they had to out-union the union. And then, of course, the membership of the MCEA had dropped from over 90 per cent to under 70 per cent.

Montgomery County is situated between Washington and Baltimore. You must remember that within the last year both Washington and Baltimore have held teacher elections. In both cases these cities had small union organizations and large NEA organizations, but in both cases, the union won the election. Some people felt that the union was concentrating on Montgomery County to make this the place for a breakthrough in a suburban school district and that MCEA needed to make a show of strength in order to be sure of winning a likely teacher election in June.

Then, too, the $6,100 base was low. We had six elements in our salary package this year. In preparing for our original negotiations, we agreed to concentrate on the other five areas and not to put a lot more money into the base. In Montgomery County we negotiate and adopt our salary plan earlier than any of the surrounding jurisdictions. After the adoption of the $6,100 base in Montgomery County, comparable school districts in surrounding areas adopted starting salaries of $6,200 and $6,300, and it became apparent that the $6,100 figure was too low.

By way of conclusion, a couple of summary observations. Although I deplore a strike which closes the schools down as a way of settling disputes, I believe the use of the strike by teachers is here to stay, and it may be that we can minimize the rush to use the strike if we do not get too exercised about a few days lost from school because of them. I think, too, we have got a lot of fuzzy thinking about the role of administrative and supervisory personnel in teacher negotiations. This is an area that needs to be given a great deal of attention to resolve the role of middle administration personnel in handling disputes and resolving differences, and particularly the role of these people if a strike is called.

It has been perfectly obvious to us in school administration for many years that teachers must have an important role in decision making. Teachers have had some experience in this in recent years and they are determined to play an increasingly important part. To some extent, we have a power struggle between the organization representing teachers, and the Board of Education representing the public. This power struggle is going to have to be resolved by teachers, too, and they will have to give on some things to have a bigger voice in the decisions that affect the operation of the schools.

I think there is a danger of going overboard in looking to professional negotiations or collective bargaining as the forum for settling all disputes. It seems to me that professional negotiations or collective bargaining is an appropriate procedure where you have two positions and you are trying to find a middle ground or compromise between them. But many problems in education do not fall into this category, and we ought to think clearly through what kinds of problems lend themselves to solution through the negotiations or bargaining technique, using this procedure for those problems, but not extending its use to problems which can better be resolved through a group process or a research study approach.

Lastly, we need to continue to struggle to have teachers recognized as professional people who are doing a tremendously important job in society, and we need to keep struggling to get teacher pay up. With this, however, must go a demand for better performance. It has been my observation that most of our teachers do an excellent job, are highly dedicated people, and are devoting their talents, training, and energy to helping young people grow and develop. They are truly competent professionals. We do, however, have pupils in our schools who are not challenged, pupils for whom the school is not really a meaningful place, problems in curriculum which are not relieved for those particular pupils. We have to find solutions for these problems. We have to make greater strides to be sure that the educational experience is vital for every person in our schools.

And so, I believe if we are to move forward on this problem, and we are to push ahead on getting salaries up, we will attract more competent people into teaching, society will be better served, and these two movements will go forward hand in hand.

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THE ANATOMY OF MILITANT PROFESSIONALIZATION

by

Ronald G. Corwin

I first want to simply call your attention to several of the now familiar forces within our society, and some within the schools themselves, which have contributed to the militant professionalism of teachers. And then I would like to identify some qualifying principles which often have been overlooked in the heat of the controversy about this perplexing development. Needless to say, much of what I will say will be speculative, and some of it merely obvious. The question is whether we can agree on what is "obvious" and what is speculative.

I would maintain that at least one point is clear, however: Teacher militancy is not a down-trodden group's reaction to despair; rather, it reflects the hope of an increasingly important segment of the society. This hope rides a wave of recent institutional changes.

INSTITUTIONAL DEVELOPMENTS

National Relevance of Education

First, there is the now familiar "revolution" in technology which has thrust institutions of formal education into unprecedented positions of national relevance. However, this relevance has been extracted at a price, for it has meant that the limited resources of schools have been strained as they have assumed increasing responsibilities for a growing number of the society's needs--and most recently this has included responsibility for alleviating its human welfare problems. The full implications of this transformation of schools into welfare agencies have been barely recognized.

At first these new functions (or new definitions of old function, if you will) seemed only to require that teachers be trained in better and novel ways. But we are now recognizing that new concepts of administration, and of school organization itself, will have to be devised.

In fact, there is a sense in which the recent problems have resulted from the failure of educational structure to become adjusted to the diversity of demands being placed on schools, and with the trend toward specialization among teachers in particular.

Affluence

These new responsibilities are being assumed in an affluent society, which many people take as evidence that we have the way, if not the will, to pay for the requested reforms. Expensive modifications demanded by teachers make sense only within the context of a revolution in expectations which has fed upon our national wealth. Of course in practice, part of the problem is that the ability of local communities to compete for national resources varies, while the demands of teachers benefiting from national networks of communication, are more uniform The Vietnam War also has drastically altered expected resource allocations. And in practice too, teachers have been forced to compete for resources with even better organized local employees, such as nurses, policemen and transit workers.

Involvement in Politics

This competition for vast amounts of resources inevitably has thrust educators squarely into the political arena. In particular, teachers seem to have adopted some of the tools of protest which have worked for the civil rights movement and are so well adapted to this age of extentialism, with its doctrine of personal commitment and decisive action. This is a generation, after all, which blames much of its plight on a self-conscious sense of alienation and loss of control, and it is asserted that this alienation springs from failures of existing organizations; to such people, collective action can be an attractive recourse.

CHANGES IN SCHOOL SYSTEMS

These developments on the national level are paralled by pressures on schools to develop new points of departure.

The Climate of Innovation

Under recent criticisms, schools have become enveloped in a climate of innovation. They are in the process of reorienting themselves from routines to more problem-centered approaches to education. Of course, change is not new to schools; but innovation has been elevated to the level of a principle. Not only has the pace been stepped up, but the scope of some of the changes proposed promises to be more sweeping than usual, encompassing entire systems and regions rather than individual classrooms.

Teacher Power

In this time of change and experimentation, it is perhaps natural that teachers are becoming more powerful. For this is, by definition, a time when no particular group has a monopoly on the answers. And in practice it has become necessary to delegate decisions, implicitly if not officially, because administrators cannot maintain firm centralized control over a system that does not work effectively; the failures of the system cannot help but reflect on the authority of those who run them. And teachers are not likely to enthusiastically submit to the authority of the administrative system that has failed to come to grips with their occupation's problems.

Added to this general situation is the fact that in this era of job opportunity and a supply-demand ration that is favorable to teachers, the proportion of teachers in the work force is also expanding four times faster than the general population explosion, so that the projected growth, together with the continuing trend toward concentration in metropolitan areas, will only serve to strengthen their influence.

But probably the most important bases of the teachers' sense of power is the growth of specialization within teaching. Not only has a segment of teachers made substantial gains in their education level, but there is likely to be marked increase in the specialized use of teaching techniques for distinct populations; perhaps separate career lines for teaching various classes and types of students are beginning to appear as well. All of this gives teachers leverage in knowledge and skill over the administrators, who nevertheless are still responsible for evaluating them. We may be rapidly approaching the time when it will be difficult, if not impossible, for administrators to assume the exclusive responsibility for evaluating teachers.

And if teachers have more opportunity to gain power, they also have found reasons to exercise it. There are a disproportionate number of lower-class people being attracted to the profession precisely as a way of improving their social status, and they are finding that their own positions depend as much on the fortunes of their occupation as a whole as upon their individual efforts; in other words, the relative lack of opportunity for individual mobility within the occupation only encourages their efforts to achieve collective mobility.

It is important too, that at a time when teachers are beginning to develop a sense of competence by which they seek to justify greater control over some decisions, they are bearing the brunt of much of the criticism for poor quality education, particularly in the inner city schools, for which many of them feel they really are not responsible. Many of the changes being proposed are aimed at altering the teacher's classroom behavior, which seems to suggest that they somehow are responsible for the problems; and many of them seem to be saying that if they are to be held responsible, they have the right to exercise more control over the situation.

There are a number of crucial but unanswered questions here. For example, do reading scores reflect the quality of classroom teaching, or do they more accurately reflect the quality of administration? Perhaps they reflect the unrealistic goals and inadequate procedures of the system itself.

One problem that has to be faced is to the extent the system of organization is at fault, it is not too likely that people who benefit from the system will be willing to change their own roles--and often these are precisely the roles that need to be changed. This is true of teachers as well as administrators.

Erosion of Traditional Modes of Administration

The corollary of teacher power is the impending change in the roles of administrators. Their traditional jurisdictions, which already are being undermined by the growing influence of the Federal Government and of local militant groups, are being challanged by the demands of teachers as well. It is probably significant in this connection that in our study of staff conflicts in the public schools at Ohio State University, which included nearly 2,000 teachers and 28 high schools over a five-state area, the most frequent type of dispute described to us--one in every four--concerned authority problems between teachers and administrators. What seemed to be most significant about teacher militancy was that they are demanding a greater role in the decision-making process.

We now recognize that the logical distinction between "policy decision" and "administrative decisions" has never really provided an effective division of labor between administrators and school boards. And similarly, the presumed division between "administrative" and "teaching" responsibilities will be no real barrier against the encroachment of teachers on traditional administrative prerogatives.

The situation is also accentuated by age differences between teachers and administrators, who are often separated by more than a generation of experience. Probably most administrators were trained in an era when the problems of classroom teaching could be reduced (so it was thought) to the psychology of individual learners, and when the central administrative problems seemed to revolve around efficient internal management; the current generation of teachers, by contrast, has been reared in a sociological era characterized by rapid social change and group conflict, and during which administration has become largely a matter of managing an increasingly complex balance of forces from both outside and inside the schools.

But in final analysis, the professional status which teachers are demanding is in many crucial respects incompatible with traditional principles of administration--principles originally fashioned in a unified, small-town America, premised on teacher compliance, and justified by the legal fact and fiction that administrators are, and can be responsible for literally every facet of what is sometimes referred to as "their" system. Centralized authority and system-wide uniformity are difficult to reconcile with decentralized decision-making, which is the central component of professionalism. If classroom teachers are to professionalize, therefore, they must gain more control, perhaps the primary control, over key matters.

Limited evidence that professionalization is a militant process also comes out of the Ohio State study where we found that the incidence of most types of conflict in a school (with one important exception to be noted) increased with the faculty's average level of what we took to be indicators of their professionalism.[1] But what is perhaps even more important, this association was most prominent in the more bureaucratized schools (compared to the least bureaucratic). In other words, it is in precisely the most highly organized schools that support for professional concepts seems most likely to produce conflict.

In summary, then, I have merely tried to outline the situation from my own perspective. I would now like to elaborate by adding a series of qualifications, which often don't get into the discussion, at least not explicitly.

SOME QUALIFICATIONS

First, in spite of all the discussion about teacher militancy, probably only a minority of teachers are militant, and an even smaller minority are what might be termed militant professionals. However, it is equally apparent that, given the growing concentration of the population, small proportions can be numerically large enough to be important. The numerical minority of militant professionals identified in most of the schools in our study was far from being a minority socially speaking. They were not marginal people, but on the contrary, they constituted a core leadership group having the backing of the majority of teachers. Compared to their colleagues, they were better educated and more respected, better integrated into their peer groups, and had more support from their peers. Also, although it is often thought that the youngest, least "mature" teachers are the ring leaders; in our sample it was the middle-aged, well-established men who most frequently actually became involved in conflict (even though it is true that the youngest teachers expressed the most belligerent attitudes). This seems to indicate that opposition to professionalization, in effect, means opposing the most influential segment of teachers.

In this connection, our evidence also suggests that there are no clear answers to the great debate over the relative degree of militancy of the AFT and the NEA. The AFT officers in our sample were more professionally oriented and expressed more militant attitudes in some respects, in comparison to the officers of the NEA: and they became involved in more disputes over authority. But overall, the NEA officers had become involved in more of almost every other type of conflict. (It should be noted here, however, that this sample was from the middle west and did not necessarily include the most militant chapters of the AFT.) What is more important than this debate is the fact that there were a group of informal leaders in the sample, who had not been officers in either organization, who were by far more militant than either group of official leaders. In other words, while militancy is the posture of only a minority of teachers, it is an important and perhaps largely unidentified minority.

The second point that is sometimes confused in these discussions concerns the question of whether teaching is in fact a "profession" (in some ultimate sense of that term). This question now seems less important than the fact that a large proportion of teachers believe that they are entitled to more authority than they now have; for example, 70 per cent of the sample believed that they should have "the ultimate authority over major educational decisions."

Perhaps they gain some sense of having influence by participating in militant causes. It is in this connection that one finding from our study finds its real significance: We found that both the job satisfaction of individual teachers and the morale of school faculties increased with rates of conflict among the faculty. One interpretation is that engaging in conflict provides people with a sense of meaningful participation and influence that is not provided in the system itself.

However, as a third qualification, I would hasten to add that it would be a mistake to assume that militancy becomes about as a reaction to any presumed loss of control on the part of teachers. It is sometimes assumed that they have lost influence as schools have become less personal and more bureaucratized. Perhaps there are elements of this, but our data suggests that teachers in the larger, more hierarchical schools actually have more decision making authority over the classrooms than teachers in less bureaucratic schools. And these are also the schools where the most conflict occurs.

The fourth point is connected to the last one, and will be of interest to those persons who hope to pacify teachers' desire for authority by giving them only minor concessions. We found that increases in the decision making authority of teachers lead to more, rather than less, conflict in the school. Apparently a little authority does not "go a long way" towards pacifying them. On the contrary, expectations in this area seem to be increasing faster than achievements. Success feeds aspiration; and involvement in the decision-making process, even in a minor way, can involve teachers in a wider range of issues than they would otherwise have become involved in.

But there is one important qualification here; for it is true that some of the most severe conflicts in our study did occur in schools where teachers reported having more authority. In other words, opportunity to participate in decision making seems to be more conducive to disputing in general, but it may prevent grievances from accumulating and errupting to major outbreaks. The establishment of regularized communication procedures may have the same effect.

Fifth, I would qualify my earlier generalization by recognizing that professionalization obviously does not necessarily lead to conflict--if the environment is already compatible or if accommodations have been made. Regarding the former point, we found that professionalization was not necessarily associated with conflict in the less bureaucratic schools. And regarding the latter point, there were some signs that schools are making at least some minor adaptations to professionalization. For example, the more professionally oriented faculties in our sample reported having more decision-making authority over classroom matters.[2] Also, our data suggests that we might have found even more conflict were it not for the fact that the most professionally oriented teachers were randomly distributed among the schools, instead of being concentrated in a few; while the most employee-oriented people were concentrated in the most bureaucratic schools, which they probably find compatible.

The corollary to the previous point, of course, is that bureaucratization in *itself* does not necessarily lead to conflict either. The problem occurs when close supervision, standardization, tight rules, and centralized decision making are applied in faculties which are attempting to increase their professional status. We did find that in the least professionally oriented faculties the rates of conflict *were* lower when they were more bureaucratized. The effectiveness of administrative practices, therefore, obviously is not inherent in the practices themselves, but depends largely on the setting to which they are applied. While this point is perhaps obvious, it seems safe to assume that most administrators probably have not systematically tailored their practices to fit the changing conceptions of their faculties.

Next, as another point of qualification, it should be recognized that professionalization does not only produce conflict within the administration but also conflict and segmentation among the teachers themselves. One primary source of tension arises between the militant teachers who are professionally motivated and the teachers who are militant for other reasons. It is essential to keep this distinction in mind when interpreting the meaning of militancy. We found that while the most professionally oriented faculties in our sample did have higher conflict rates than those which were less professional, the reverse was not necessarily subscribe strongly to professional principles. Among other sources of tension are the organization itself, i.e., complexity and the authority structure; general conditions within the society such as the adolescent revolt and the civil right's movement in the big cities. As others have noted, the civil right's movement in particular seems to be in a head on collision with teacher militancy. Questions can be raised about the degree of support which teacher organizations have given to desegragation plans and experimental projects leading to more community control and about what this means for professionalization.

This leads to still another qualification which, while obvious, nevertheless sometimes eludes the discussion. Militancy can take a variety of forms and degrees of intensity. While the term is most frequently used in connection with work stoppages, strikes are only the most visible sign of a much more prevailent phonomonen, which is a posture of challenge to authority, which can be expressed in a variety of ways. In particular, we found that the most professionally-oriented militants in our sample were involved in very different *forms* of conflict than their less professional counterparts who also became involved in disputes. In particular, the most professionally-oriented faculty members did shy away from what we called the "major incidents"--i.e., the sustained, heated conflicts involving large numbers of persons. While this could imply that the most professionally-oriented teachers are not the ones actively leading the recent rash of strikes, our data does not warrant such a conclusion. It seems more reasonable to assume that the role which professionally oriented teachers play in the recent strike situation will depend heavily upon the circumstances. We found that, in contrast to the general pattern, in the *most bureaucratic* schools professionalization was associated with even the frequency of major incidents.

Perhaps the lesson here is that administrators may have to put up with many forms of friction if they want to maintain professional faculties; but supporting professionally-oriented teachers may be a more effective way to control the outbreak of at least the major incidents than attempting to suppress them by imposing more bureaucratic control--which is probably a more typical reaction.

Another neglected principle is implicit in much of what has been said; namely, that the behavior of teachers can be explained better in terms of principles of social power than exclusively in terms of either idealism or economic considerations. This means, for one thing, that teachers no longer have to rely exclusively on cultivating the public's benevolance toward them. Many people believe that this is unfortunate, and perhaps is only natural to formulate the philosophical questions about whether this or that practice is "right" or "wrong," according to ones personal values, and I might add, his own personal interests. But the questions that need answers right now concern what is going to happen not only whether or not the trend is acceptable to us.

But if the immediate concern of teachers is for power, they eventually must return to the question of how to legitimate their power once it has been achieved. Perhaps at this point it is too early to expect that teachers be concerned about justifying their every move or demonstrating how teacher control may be an improvement over administrator control. But eventually teachers will have to face that question. Therefore, I would add one final qualification. Within *all* professions (and not just teaching) there is a generic tension between idealism and self-interest. Professionalization *is* motivated partly by material gain as critics frequently point out; but what is distinctive about professionalization is that it represents a shift from self-interest, or what Hofstadter calls "interest politics" toward what he calls "the politics of status." And in order to legitimate *professional* status, the occupation eventually must demonstrate its ability to protect its clients' welfare. Therefore, it is obviously to the profession's advantage to combine self-interest with idealism. Teachers, for example, maintain that they cannot do their best for students under poor working conditions and without sufficient authority, and that higher salaries are needed to attract qualified people. It is no accident that these assertions are difficult to prove or disprove and that there is no clear-cut answer to the question of the "real" motives of teachers.

But the point is that *all* professions seek to use ideals in the service of self-interest; and to combine self-interest so that it better serves the ideals. The situation is not unique to teachers. Physicians don't often strike, for example, but they restrict the number of people who can enter the profession and restrain economic competition among themselves. Teacher militancy is not so unique that the process has never happened before.

Our evidence on this point is not very convincing, but it did appear that among the militant teachers, those who were most professionally oriented were at least more concerned about the welfare of their students than their less professionally oriented, but equally militant colleagues. At the same time, it appeared that teachers were more ready than administrators to define certain children as being unable to learn.

It also should be noted in this connection that professionals obviously are not the only ones who have ideologies. There are competing contentions that are equally difficult to disprove, such as the notion that "employees must be supervised," that there is a special class of "decision makers" in schools, and that school boards' sovergnity must remain inviolatible in a democracy. In these ideological disputes, of course, each side seeks to define the public interest to suit its own purpose.

CONCLUSION

In conclusion, we have to recognize that generally speaking, the existance of organizational conflict simply reflects the fact that there *already* have been changes in social function which have not as yet been recognized and incorporated into the ongoing social organization. We are well beyond the point where school policy can be equated to the proclamations made by administrators; and yet that is the myth we are trying to live with. School systems have become so complex and must adapt to such a wide range of circumstances, that in fact, administrators no longer can maintain centralized control over educational practices, even though they may feel obliged to do so because of tradition and their legal responsibility. That is the administrative role conflict. This persistent effort, on the part of teachers as well as administors no longer can maintain centralized control over educational practices, even though they may feel obliged to do so because of tradition and their legal responsibility. That is the administrative role conflict. This persistent effort, on the part of teachers as well as administrators, to maintain customary routines and traditional evaluation standards in a climate of failure has only served to aggravate the tension.

Alternatives, then, are needed to the industrial-military models of organization with their chain-of-command, system-wide uniformity, and universal evaluation standards. We are only beginning to learn that, in practice, "bureaucratization" has not meant more centralized control; but on the contrary, it has meant more autonomy of groups within the system. The immediate problem, then, is not how to preserve central control, but how to harness the potential of the autonomy. There needs to be more effective ways for teachers to participate in the schools, and effective participation means more than confrontations anually or semi-anually at the negotiation table.

It may mean that teachers will evolve their own line of authority and communication within each school and school system. A dual line of administrative and professional authority found in some hospitals provide one model, though not necessarily the only one.

Also in this connection, it is possible that if teachers pursue state-wide negotiations, they may be able to eventually gain control over the certification and accreditation standards, which eventually could mean much greater control over the entire occupation. If that happens we can look for substantial changes in the authority roles of teachers.

Ultimately, these changes will mean that administrators will have to find some new roles as teachers assume at least some of their traditional functions. One possibility is that they will turn more of the internal matters over to teachers and become more concerned about managing the sociological problems inherent in schools' relationships with their communities and governments. At least it seems that the present crisis faced by the public schools have occurred partly because the external sociological problems have been for so long neglected.

It may be that in order to achieve stability, the growing power of teachers will have to be recognized by including them more centrally in the decision-making process within school systems themselves. Historically in this country we have had to learn either to include the excluded or to live with strife. Until teachers create a more central place within the system for themselves, we can expect that they will continue to go around it.

Footnotes:

1 Professional orientation was determined from the extent of teachers' agreement with 16 statements regarding their beliefs about their relationship to students, to their profession and to their colleagues, as well as the degree to which they emphasize knowledge as a basis of competence, and the level of decision-making authority they considered to be appropriate for themselves.

2 However, the overall index of bureaucratization was not negatively related in any significant way to the degree of support given for professional roles, as might have been expected in bureaucratic schools were de-bureaucratizing in any appreciable extent.

NEGOTIATIONS IN CANADA, IMPLICATIONS FOR THE AMERICAN SCENE

by

Wally Pindara

Although I am very pleased to be here, I am sorry it is a fill-in for Fred Seymour, who died last week. I'm honored to have been chosen to speak for Fred. He was a very good friend and colleague with whom I had worked for many years. It is unfortunate that you will not have had the opportunity to discuss collective bargaining with him.

In Canada we have never had an opportunity to sit down in a conference like this to talk about negotiations for teachers and school boards. Our situation up there, like Topsy, just grew. Many of the things I want to speak of this morning arose out of a pragmatic approach disgarding things that did not work and using things that did work.

We are here this morning to talk about collective bargaining by teachers in Canada. When I speak of such collective bargaining, I do so in the same sense the AFT understands professional negotiations. We refuse to be caught up on a word. It is the process in which we are interested.

The determination of salaries, working conditions, and other decisions influencing education may be achieved by one of two means--unilaterally or mutually. Unilateral determination may be either the employer or by the employee. This does not exist much anymore. The second method is mutual or joint determination involving two parties. This means of negotiations may be achieved through one of two ways--through individual bargaining or collective bargaining. Individual bargaining is rather unrealistic in public education. That leaves collective bargaining.

Collective bargaining is the process for determining salaries, working conditions, or any other matter to the mutual satisfaction or agreement of the two parties concerned. It is a mechanism used to minimize or resolve the differences between two positions. Bargaining is collective since the determination is for and by a group of individuals who are united so as to provide the strength necessary to conclude a bargin. The process might be called the art of friendly persuasion. The techniques of the process are essentially pragmatic. No one technique works in all cases. People must develop the techniques that meet their needs and work for them. It would be presumptious for me to tell you that if you do x, y will happen. It might happen in one situation. The best we can say is that if you do x, y is what might happen. But the techniques you must develop yourself.

In our organization we define a "teacher" as one who may be in a classroom or may also have a responsibility for some supervision, or who may happen to be an administrator. The only group of people that our organization does not include are the superintendents who seem to be somewhere out in left field. They are not sure where they stand, and this, believe me, is a problem. It is a problem for them, and it is a problem for the teachers.

At any rate, the teachers in Canada believe in collective bargaining. We are opposed to a "cap-in-hand" relationship with our boards of education. We are opposed to a paternalistic approach or attitude on the part of the boards. But I have run into many examples where such an attitude prevails. I speak of the attitude, "Why are you concerned? We will do the best we can for you. Haven't we always been good to you?" There is no case that I know of in our country in which a board of education has given something to the teachers on a platter and said, "You have done a fine job. You deserve a 10 per cent increase in salary. The working conditions are a little grim in this situation. We will clear it up by doing this." I have not seen it happen.

As teachers we believe we have the right to participate in the determination of our salaries and working conditions. We are selling a service and we must participate in determining the price of this service, and the conditions under which this service can best be rendered. This is our decision. We believe it is our decision. We want to participate in determining the conditions under which we feel we can give the best service to the students. As such, we believe that we must meet and discuss and negotiate and bargain with our employers, boards of education, and not some intermediary group. Our position over the years has been this: We want to talk to the organ grinder and not the monkey. This belief requires a smimlar belief on the part of the other party. This is where we run into difficulty. The extent to which the other party has accepted this belief in Canada varies. But before looking at the situation in Canada, there are two other points that I would like to discuss with you.

The General Secretary of the British Columbia Teacher Federation has suggested the thesis that there is an evolutionary ladder a teacher organization must climb in seeking to represent effectively the interest of its members. The rungs of the ladder are: The right to petition, the right to consultation, the right to negotiations, and the right to collective bargaining.

In single elaboration, the first step in the ladder towards true collective bargaining is petition. This is a one-sided decision in which the teachers present its case and then waits and waits for a unilateral decision to be made by the board of education. The second rung is again a one-sided decision--consultation. Here the teachers present its case, the board of education consults with the teachers, asks for suggestions or reactions, and then says, "We will call you, don't call us." They then make a unilateral decision. These two rungs have been often referred to as "collective begging." The third rung in the ladder is negotiation. Here the two parties get together and by negotiation try to come up with the best solution but in the end the teacher group accepts what is being offered. The last step is collective bargaining, a two-sided decision-making process in which your case is presented negotiated. But in addition you have the ability to apply pressure for a better deal if you are not satisfied. These stages may evolve over a period of time.

I suggest that some of these steps are being short-circuited. A jump from the bottom rung to the top rung is possible when a teacher group is prepared to force the issue. It involves the use of pressure and requires unity, strength, and determination. I would suggest that such a jump was made by the New York teachers in 1962. They wanted an equal voice in what was happening in education in the determination of the conditions under which they worked, and the salaries they received. A jump is now being made in British Columbia. Civil servants have taken strike action for the right to bargain collectively. I would suggest that a jump is being made by the teachers in Florida, and at what a cost! If I can believe what I have read, the chief school officer in that allegedly said, "We'll break the backs of the teachers." Here you have a sheer test of power. I think too many boards of education forget this. The rallying cry for unity and bargaining and power and strength is not money. It is the principle of collective negotiations that is involved. I suggest, too, that jumps up the rungs of the ladder are being made by the teachers of Pittsburgh, Harrisburgh, and San Francisco. It appears that the conditions of work or the salaries in those areas must be so poor or intolerable that the teachers must take this action. Or possibly the situation is such that no one is listening to the teachers and they must take this action to be listened to.

When we speak of the evolutionary ladder and the employer is at the local level, advancement up the ladder is easier and progress is quicker. Many school boards and teachers bargain collectively for years prior to any legislation. Many still do bargain without legislation, but advancement is more difficult and progress is much slower.

Now we come to the top rung--true collective bargaining. What conditions are necessary for it to exist? I would like to suggest six conditions necessary for true collective bargaining. The first condition is the right of association or the right of individuals to join or form their own organization. The second is the right to determine the bargaining unit and certification of one agent for it. Third is the implementation of the bargain into a written collective agreement which is broad in scope. Fourth is the need for a formal structure of procedures. This structure of procedure may be either in statute or may be traditionally determined. Fifth is the need a conciliation and/or mediation provision to assist the parties if agreement can not be reached.

Lastly, we need a provision of a method resolution of disputes. Sometimes our thinking about collective bargaining is not focused on the process but on this one and last condition, the provision for the settlement of disputes. I am willing to bet that if you talk to people on the street and ask them what they think about collective bargaining, they will either be for strikes or against strikes. This is the equation collective bargaining so often means. Either you strike or you do not strike. But we have to distinquish between the process and the last step, albeit we do not use it very often and should not use it very often. If this process is overused its force and effectiveness is diminished.

What is the story in Canada? To see our situation we must look at the British North American Act in 1967, which is our Constitution in which the exclusive right to bargain in the field of education was given to the provinces.

In Canada in recent years, and I understand the same sort of thing is happening here, the federal government has become more and more financially involved in post-secondary vocational and manpower education so that they do have a voice. The provinces in turn delegated much of their responsibility for education to school boards at local levels of government. Though the costs of education are shared by the provinces and the local boards, and it varies from about 50 per cent in some cases to 100 per cent in the case of other provinces, the responsibility for education, including the hiring and firing of teachers, rests with the local baords. In the past couple of years where financial responsibility has been removed entirely from local boards and assumed completely by the provincial governments, this general responsibility of education at the local level tends to exist in name only.

Teacher organizations began to take shape in Canada before the World War I on a provincial or a local base. In the case of my own province, the Manitoba Teachers Federation was formed in 1919 with a total membership of 60 teachers. It became the Manitoba Teachers Society in 1942 and membership was compulsory or automatic. The early years in the life of the teacher organizations across the country saw some accomplishments although a good portion of the efforts were devoted to just staying alive as organizations. It was not until the depression years when the economic struggle to survive became paramount that teachers first grew more aggressive and better organized in their attempts to strengthen their organizations. In 1935 a significant breakthrough was made by the Saskatchewan teachers when the government legislated compulsory membership for the Saskatechewan Teachers Federation. Now we had two organizations in the country with 100 per cent membership. This provided the solid base for later efforts seeking to improve the welfare of the teachers. With the example of Saskatchewan and Alberta, the other provincial organizations followed suit. Between 1942 and 1944 Manitoba, New Brunswick, and Ontario obtained statutory membership. The other provinces obtained their legislation in the late 1940's. Nova Scotia, however, did not get automatic membership until 1953.

Each province in Canada has one teacher organization in which membership is compulsory or automatic and which speaks with one voice for the teachers in the province. There is a distinction between compulsory and automatic membership. Compulsory membership means that you must belong to the organization. In automatic membership you are automatically a member as soon as you get a teaching certificate but you have the priviledge of writing yourself out. This is the type of membership we have in Manitoba and we have virtually 98 per cent of the teachers as members of our organization.

The compulsory automatic membership feature of the provincial teacher organization has relieved the organization of the unpleasant task of soliciting membership, provided stable incomes through fees deducted at the source, and has allowed the organization to get on with the job of improving the economic lot and professional status of the teachers. Subsequently the teacher organizations intensified efforts to obtain laws permitting collective bargaining on behalf of their members.

Rights to bargain collectively under the law were obtained during the late 1940's and early 1950's, but they were not obtained for all provinces. The eastern provinces--Newfoundland, Prince Edward Island, New Brunswick, and Nova Scotia--by and large do not have full collective bargaining. Newfoundland and Prince Edward Island petition and consult with the government. They are under government scales and are completely centralized. New Brunswick had local collective bargaining but eighteen months ago the government took over education completely. The teachers are now involved with attempting to set up procedures for bargaining collectively with the provincial government. Nova Scotia has a combination of both of these. Until February 17, 1967 Quebec had some of the best legislation for bargaining rights for teachers in Canada. In 1967 the provincial government assumed full financial control over education and the teacher association is now bargaining collectively with the government. It remains to be seen how successful they will be. Ontario is a case apart. For years there was a paternalistic attitude on the part of the employing school commissions that came down from the church to the school boards. Ontario has no statutory provisions governing collective bargaining. But teachers bargain collectively at the local level and have done so for years. In Ontario procedures have been established from practice and tradition and Ontario teachers make use of sanctions as opposed to strike in the final settlement of disputes.

All four of the western provinces--Manitoba, Saskatchewan, Alberta, and British Columbia--have statutory provisions for collective bargaining. They have provisions for writing collective agreements signed by both parties. They have provisions for conciliation and/or mediation. And they have some provisions for the final settlement of disputes. But there are some differences in this last area. Manitoba is the only province in Canada where the teachers are expressly forbidden to strike. The last strike in Manitoba was in 1971, and it was completely unsuccessful. Alberta is the only province in Canada that expressly has the provision that teachers may strike. Two years ago there was a lot of furor over a strike. The legislation was reviewed by a commission and briefs were submitted. The government commission's recommendation was that there be no change in the legislation that governs bargaining rights for teachers in Alberta, and especially that the teachers not be denied the right to strike. British Columbia has compulsory binding arbitration and a series of time limits. They operate under a very restrictive legislative pattern. In Saskatchewan legislation is currently being rewritten. I'm not sure what is going to come out of this.

I believe that it is safe to say that the Western Canadian teacher organizations have the most highly developed structure for collective bargaining, both in terms of their own organization and their statutory rights, of all teacher organizations in Canada. The cooperation between the four organizations has been excellent. Over the past 10 to 20 years, these four organizations have been involved in negotiating literally thousands of collective agreements. In Manitoba alone we were negotiating 300 to 400 collective agreements a year.

At the same time that this was happening with the teachers, strong trustee organizations or boards of education organizations developed in these provinces. This is the way it should be and it must be. Successful collective bargaining cannot take place when the parties attempting to strike the bargain are not equal and respectful of each other's strength. Boards and teachers do not always see eye to eye, but there is a general recognition that the best means for resolving differences is through collective bargaining in which the two parties concerned participate in determining mutually satisfactory solutions.

Though differences exist and will continue to exist, I believe that the practices of the past and present have born fruit and are bearing fruit as far as education in Canada is concerned. Both parties have been the winners and the biggest winner has been the children we serve. It may be that as time passes opinion will change. Already there are some who suggest that collective bargaining is an outmoded instrument not compatible with the thinking and the events of the late 20th century. They may be right, but as far as I am concerned, there has been advanced no substitute I am prepared to trade for collective bargaining. You cannot turn back the hands of time. People today will be heard. To have any system work effectively, the people involved in the system must have a voice. That voice has been supplied and will continue to be supplied through the process of collective bargaining. We may have many battles to fight. For the present, I have made up my mind; the teachers in Canada have for the most part made up their minds. We believe in collective bargaining. I understand some of you down here are in the process of making up your minds. I would like to conclude by a simple statement. I don't recall where it came from but I think it is very apropos: "Professional employees, and that includes teachers, are treated collectively. The only choice they have is whether it will be with or without representation."

RIGHTS AND RESPONSIBILITIES

by

Phares E. Reeder

In the past day, we have heard much, much talk. And since this is Sunday morning, I am not sure but what we may not be properly characterized by the Biblical name "Babel" or as commonly called babble--a name which by definition is synonymous with the confusion of tongues. It would be presumptuous of me if I did not assume that I will simply add another confusing tongue.

Since I will be discussing rights and responsibilities, and since this is Sunday morning, I naturally thought of Biblical reference. Frankly, I was surprised when I checked the concordance of the Bible. I could not find a single reference to the word responsibility and only two or three references to the word duty which we in this day and time consider somewhat synonymous with responsibility. I also found only a limited reference to the word right and interestingly enough, in Proverbs 2, verses 1 and 2, I found these words, "Every man is right in his own eyes." I gravely fear that this Biblical thought contains too much truth. Also, I found in Proverbs these words: "I have taught thee in the way of wisdom. I have led thee in right paths." This is a little different connotation upon the word right, but a very important one. I only hope that what I say and what others have said may contain some elements of wisdom and above all that it may help lead our paths aright.

Now, since I have offered the Biblical lesson, I shall proceed with the text on Rights and Responsibilities. The rights and responsibilities of which I wish to speak concern more than those of just the teacher. They concern teachers, central office administrators, and school board members.

Public education in this country is a system of education that has produced the greatest and most powerful nation ever to inhabit this world. I believe this to be a truism. I want, and I know you want, to keep it that way.

For the purpose of clarification of my concept of the problems confronting us, I wish to define or describe the structure of this system of education as a basic triad. A triad with equilateral sides that represent teachers, central office administrators, and boards of education. Without either of the components of this triad, the public school system could not possibly survive. Therefore, ladies and gentlemen, this conference and similar ones that have been and will be held all over the United States are dealing with the very life blood of the public school system.

We have heard and will continue to hear much about the militancy of teachers. I subscribe to militancy and call for even greater militancy. But I not only call for militancy on the part of teachers, but I call for it on the part of central office administration, and on the part of boards of education. Militancy for the best in education! There is nothing wrong with militancy, provided that in the exercise of the respective rights of the three components of this basic triad that this militancy becomes responsible militancy.

Too frequently, both rights and responsibility are like a string--we can see only the middle of it. Both ends are out of sight. Our obligation is to extend the scope of our vision to see the whole!

Let us explore further this basic triad. I wish to picture for you an inverted triad--a triangle of equilateral sides, but standing in an inverted position. On what normally would be the base line I place the professional staff--exclusive of central office administration; and, by the way, I mean teachers, principals and supervisors. Of the other two sides of this triad, one represents the board of education and the other represents central office administration.

I place the professional staff at the top not because of any desire to give it prestige, not for any intent of downgrading the status of the central administrative staff nor of the board of education. I place it there because I am convinced that the public, all of us, must be made to see the public school system from a totally different viewpoint.

I do not believe that there is a single person here that would challenge the view that teachers, in the all-inclusive sense, are the key to the instruction of children and youth, the key to the learning process itself--and the learning process is the only reason for public schools to exist. Boards of education and central office administration form the two supporting legs of this basic triad, the point of which constitutes the fulcrum pivoted upon what is termed the general public. Unless this undergirding support properly functions, the instructional top of this triad cannot best serve the cause of education. If those who form the top of this triad are weak, incompetent, irresponsible, we have an ineffective system.

Now in light of this basic triad concept, let us proceed to rights and responsibilities of each of the components of the triad.

First, let us take a look at boards of education. We do not for one minute deny the rights nor do we minimize the importance of boards of education, and there are many, many excellent ones. Boards make final determination of policy and set guidelines for the administration of our schools. They are the selected representatives of the people and by law have been assigned this responsibility. However, this is not a right that gives carte blanche privilege to boards of education to remain in the 19th or even 18th century in attitudes and reactions toward the views of teacher personnel who carry the burden of educating. No longer can teachers and other employees be played with as pawns of politically-minded board members of treated with the attitude of "You'll do as we say or else."

Rousseau once wrote: "Never exceed your rights and they will soon become unlimited." Many boards of education have and continue to exceed reasonable rights. And, like it or not, most of the problems of the day are the direct results of such--a result that reverses Rousseau's premise. It is a case where excessiveness in the use of rights is now bringing possibly an undue limit upon the rights of good boards. The same can happen to teachers as Dr. Donovan intimated in the N. Y. situation.

For this reason, I submit that local boards, state and national school board associations, had better take a hard and fast look at their rights and responsibilities as Mr. Jamieson has indicated. That look includes the closest kind of examination of the over-extension of their rights--and, most regrettably, a lack of knowledge of their rights. I realize that much thought and effort are going on among the leaders of school boards and school baord associations throughout this country. But I implore them to act with greater dispatch in recognizing the reality that they must become a more responsible partner in this basic triad.

The other leg of this triad concerns central office administration, with special emphasis upon the superintendent of schools. I realize that in the minds of many, and justly so, this is an office that often is caught in the middle; but it does not have to be so. For generations upon generations central office management, with exceptions of course, has reflected a paternalistic or autocratic, if not dictatorial, attitude in the management of schools and particularly in the relationship with personnel.

Frankly, I was not only shocked but extremely disappointed in the recent resolution action of the American Association of School Administrators concerning the question of sanctions. I realize that sanctions and similar action constitute a burning issue. I also would be the first to admit that there can be and has been irresponsible action of teachers--the Pittsburgh case for example and some of the instances Dr. Donovan pointed up. But to take the position of the AASA is beyond me. That resolution, in my judgment, is a weasel-worded attempt to straddle the fence. To say in one breath, as the resolution does, that the AASA supports sanctions and in the next breath or paragraph that it "deplores any disturbance of the educational program, etc." is the epitome of inconsistency. This action exhibits either a lack of understanding of that which faces the public school systems of this country; or a subconscious desire to continue in a dictatorial-like role over personnel; or some kind of fear of somebody. Yes, I abhor irresponsible action.

But, I stand four-square behind responsible use of sanctions, and you cannot have sanctions without some ultimate disturbance of the status quo. Historically, this nation and other responsible nations have applied sanctions to bring about a justifiable end. And we to assume that sanctions can be enforced without some kind of disruption? When this nation blockades a port or invokes a trade embargo, is there no disruption in the equanimity of things?

I submit that school administrators had better assume more responsible behavior in these changing times. But even more important, the whole educational process for training administrators must be modernized--inservice programs for administrators established for coping with this new day.

Certainly I would not deny nor remove from a chief administrator the many rights that are his. No school system can be run successfully without administrators being vested with authority to administer. I would fight to the very end for this and all other true rights of administration. On the other hand, among these assigned rights is not the right to deny others their rights. Rights of central office administration are not to be interpreted as cloaking individuals with an untouchable or unchallengable power. The administrative leg or component of this basic triad must be a supporting and cooperating part of this all-important jointure.

I now turn to the inverted base line of this triad--representing teachers. As executive secretary of a state education association for approximately 25 years, I believe that I am sufficiently knowledgeable by study, observation, and experience to evaluate all three parts of this triad.

In a conference such as this, it would be repetitious for me to further expound on the change that has and is taking place in the teaching profession--a change, if you please, that can be found in the behavior of practically all mankind. The whole world seethes with the struggle of a new emerging of man. We live in a time of what may come to be known as the era of the assertion of rights. It is an inner something that seems to be arising from all mankind. And we had just as well face it and work with it to keep it in reasonable balance.

There are six areas of teacher rights and responsibility which I simply want to enumerate and make very brief comment.

First, teacher rights and responsibility in policy making and program and curriculum development. The domain of these areas of concern does not belong to some college of education, federal or state department of education, to some central office, nor to some board of education alone. It belongs to the total profession--the total of the triad. On the other hand, teacher responsibility that goes with this right requires creativity, progressiveness, an awareness of changing needs, and a willingness to work and to cooperate.

Second, rights and responsibility in procuring, interpreting, and effecting laws and regulations. The education associations of this country are the voice of the profession. They have both right and responsibility in seeking laws that affect both program of education and teacher interest.

Third, rights and responsibility in standards and the training of teachers. Here, again, is an area where the rights of teachers call for a speaking out.

Fourth, rights and responsibility in politics. Only through the educative process can politics be made to symbolize something good rather than the bad or the rotten.

Fifth, rights and responsibility in the administration of education. I already have stated an affirmative position as to the rights and responsibilities of the board and administration to the end that they must be vested with authority to administer. But one thing must come through clear and loud. Arbitrary and dictatorial action toward employees, whether on the part of the administrator or the board, and whether it applies to teacher or non-teacher, must become a thing of the past in those places where such are continuing to be practiced. The right to be heard, the right to have views considered, the right to have differences negotiated belong in this new day.

Sixth, rights and responsibility in the procurement and use of school revenue. No group, agency, or any governmental or lay body has exerted more time nor effort than the educational associations of this country in helping procure revenue for education at federal, state and local levels. Since the teachers of the nation have been and can be of even greater help in securing public support of the schools, teachers have a right to know in clear-cut fashion how and for what purposes school funds are spent. I am not talking about the details of budgets; I am talking about balances, anticipated increases in revenue, tax potentials, ratio of budgeted expenditures for various categories,etc. The budget is not a sacred sanctum for the superintendent and the board, nor for the college president and his board. We urge the open door approach at budget making time where representation of the professional association or college faculty is not only briefed but given a chance to be heard and have its recommendations considered in the fairest possible way, negotiated--if you please!

I began my remarks this morning by using a Biblical reference. I conclude with a church-related word that has much meaning for my major point of emphasis. That word is "trinity." As with the basic triad which I have described, trinity also is comprised of three. Trinity is defined as the union of three-in-one. Ladies and gentlemen, here lies the hope of the American educational system. The union of school boards, administration, and teachers--these three-in-one should constitute an educational trinity. If this union can be consummated, and it can, and will in due time, then all three will accept the process and the practice of negotiation and with equal responsibility will follow through until successful and satisfactory ends are attained in all areas of concern-for all can be negotiated. Under this trinity concept, all three would respect sanctions particularly applied to a community or to a state that overtly is derelict in support of education. If done in this three-in-one concept, and with responsible militancy of each of the components, only the very best for education will be the result.

What is it that stands in the way? Fear! Long-standing fear of teachers that has made them weak and submissive. Fear of superintendents and school boards that causes them to view professional associations with apprehension because they feel that they threaten to create an opposition or another set of pressures for them to take into account. Donald H. Wollett predicts that the day will come when superintendents and school boards will welcome professional associations and be happy to exchange views and to work out mutually satisfactory solutions to the problems of education. I, too, subscribe to this belief. For this reason, it is this three-in-oneness for which I make a plea.

The only alternative is separateness. If separateness be the way, then power struggles and bitterness will continue to be the order of the dav and the American system of public education will be the loser. If separateness by the way, then all of us can expect extremism in the pursuit of our respective rights. If separateness be the way, I can assure that sanctions will be used as well as other responsible and I fear even irresponsible means for accomplishing what the profession considers vital to its goals and objectives for the good of education. I make these statements not with any intent of threat. I make them simply as statements of fact.

I have hit hard at some of the causes of these problems; so the words of Abraham Lincoln seem most fitting for my closing thought: "With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive to finish the work we are in."

PANEL DISCUSSION

Question: Dr. Donovan what might you have done differently if you had a chance to prepare for your current dilemma?

Dr. Donovan: If I had to look forward to the late unpleasantness again, I think I would walk a very narrow line in trying to encourage the heads of the professional association truly to take their responsibilities in hand and represent the teachers, but not tell them what they should do. Rather, I would encourage them to come in, talk things over, define the problems the teachers are facing, and explore their grieviences. In other words, I would really try, without dictation, to strengthen my professional association.

Mr. Pindara: Dr. Donovan, I'm wondering, is there any continuing communication between administration and the professional teacher organization? One of our problems is that when teachers meet the board once a year or once every two years, it is a real confrontation. We are trying to achieve some vehicle of communication where the parties are meeting continuously to get rid of little grievances and little problems that arise.

Dr. Donovan: That vehicle of communication is a very easy thing to set up by just simply arranging to meet periodically and not just once a year. Why can't any superintendent say to his teacher association, "I will be pleased to meet with you once a month to discuss problems, or if things are real bad I will meet with you every two weeks to discuss them." I do not mean that I should meet with the whole teacher group, but some representative group to meet and talk things over. The more you talk the more you wipe out distrust because criticism is usually based on ignorance. The teachers do not know what you think or what you feel. They suspect you and you do not know if they think you do not know how to answer. Arranging periodic meeting can be done without any law or any formality or anything else--just do it.

Dr. Doherty: Dr. Donovan, the people with whom you will be dealing--the leaders of that organization I assume--will probably be the most highly, politicized group of teachers in that community. Does that tend to keep the real issues from being placed on the table?

Dr. Donovan: Sometimes it does, but that is true of representative government. The fellow who gets to office is the most politicized and not necessarily the most intelligent, but he represents the people.

Question: Mr. Reeder, I wonder if you could comment on our Jackson County situation.

Mr. Reeder: Little did I realize six months ago that West Virginia would be in the midst of a sanction! The point that I would like to emphasize is that we approach this thing with responsibility. The problem got out of the hands of the local association but fortunately, it was brought back in the hands of the association or there could very easily have been a strike. Now, we got control by consultations between our headquarters staff, and the leadership of the local education association. We were careful to see that the interests and the rights of the teachers, from a point of view of law, were protected. For example, under West Virginia law any abridgment or breach of contract automatically invalidates the certificate for one year for any place else in West Virginia. In this particular sanction, supported by WVEA and NEA, 72 per cent of the teachers signed resignations and had them deposited in a safe deposit box awaiting the outcome of a special levy election on March 12. If the levy fails, the resignations, hopefully, will be submitted. Under our law, the resignations will not become effective until June.

Mr. Jamieson: Let me just be a Devil's Advocate at this point, Mr. Reeder. Who decides the sanctions? Certainly it is the educational organization of the teachers, their state or their national. They are the judge and the jury. What would happen if, for example, a complete examination of the facts, and I speak not just of Jackson County, show that maybe sanctions were not just. What recourse do boards of education or the citizens of that community have? Sanctions can operate both ways. In Arizona, for example, the school board association has the teacher organization in a particular community, the Arizona School Board Association would have their own examination. This would be by members of boards of education as well as by others and if they found that the sanction was not justified, then all the schools in Arizona, through the school boards, would refuse to employ the teachers from that particular district. Now, I think this thing is balanced--weighed--in one way. To me there is no difference between the sanction and the strike. I think sanctions show the lack of "guts" as far as a strike is concerned. But I think some actions are necessary for teachers to point out when they have been unable to get across to the community or to boards of education the welfare of the children. I speak not of teachers; I speak only of children. It is the children who are affected. I think there is a great deal of responsibility on the part of those who determine whether or not to impose a sanction. I would just suggest to teacher organizations throughout this land if there is some decision as to whether or not sanctions should be imposed, have the people who make the examination and who make the decisions not be those directly involved in the results.

Question: We have talked about teacher negotiations. What about service personnel? If you have no organization representing your service personnel--custodians, bus drivers, secretaries--would you as a central office employee or board of education member seek to initiate one?

Dr. Doherty: We have, as a matter of fact, had that problem to a degree in New York because the Taylor Act covers all employees ---the teachers and the custodians, cafeteria workers, bus drivers, and secretaries. A great many school boards are concerned about that. I think some of them have jumped the gun. They have called in their employees and have tried to carve out a bargaining unit before there was any expression of desire of bargaining on the part of the employees. You do not have such a statute in West Virginia, so it is probably not comparable. But I fear that when a legitimate trade union does come in and discovers the arrangement, they are going to claim that a certain "sweetheart" arrangement has been made. There is this attempt, it seems to me, for an employer to want to have the kind of a unit and the kind of representation that will not cause much trouble so he jumps the gun. You know that the National Labor Relations Act, and all the acts that deal with public or private employees, puts the obligation on the part of the employees to take the first organizing step.

Mr. Melley: In Connecticut we have a comparable statute relating to municipal employees. Over the years, the education association established membership with educational secretaries in the school systems, and now we have the para-professionals in membership. The category of membership, though, is classified as associates. They are not eligible for the full active membership. We provide for them the same services of operation that we provide for teachers. We have, in fact, assisted many secretary local associations and para-professionals in the larger cities in setting up separate bargaining units.

Question: I am disturbed about the current disregard of the law. I wonder how teachers can break a law or violate a court order on Monday and teach a civics class on Tuesday. I wonder if the union or association movement might have inflicted more harm than good.

Mr. Melley: This is the question of the day, obviously, in the association business, anyway. I think it relates back to the question Mr. Jamieson raised a moment ago. As far as I am concerned, quite a few people are missing the boat about the quality and quantity of responsibility that a teacher holds to the child. In my book, when a teacher commits himself to break the law, this is probably the greatest sacrifice that that teacher is asked to make for that child. At least in the experience I share in my state, teachers knowingly violated the strike law to improve the quality of the educational system. They had to take that type of action to improve the quality of education in that system. In one particular instance we went through a period of time in which science books printed in 1942 were being used in 1961. We went through a period of time in which every April teachers ran out of paper, in which they did not get chalk, in which windows were broken and not repaired--right down the line. We went through a period of time that was, as far as the teachers were concerned, insurmountable. They exhausted the remedies provided for them under the law. They went through negotiations, mediation, arbitration, local sanctions, state sanctions, and national sanctions. It did not do a bit of good. These were not the young bucks that hit the bricks, these were the teachers who had been in that system for some time. Quite a few had been born and brought up in that city. They had just been to the law. It had not solved the problem. They were committed to a point where they had to admit that in order to improve the quality of education in that city they had to break the law. You know what? Unfortunately it worked for those who are taking the other side of the fence.

But let me go back one point here. As far as the sanction is concerned, Mr. Jamieson, I do not know of one instance in my locale where a part of interest--a teacher or administrator in that system--has a controlling factor in the decision-making process as far as implementing sanctions. We always make an effort to bring outsiders from the profession, into a local situation to determine if the sanction is warranted. In fact, we go out of our way to make sure that we have boards of education represented on our teams that investigate a system to determine if a sanction is warranted. I know the man who asked the question was a superintendent. He asked how you get the association going about things that he thinks should be going. Maybe they are not too interested about things that he thinks should be going. Maybe they are more interested in things that they think should be going and he is not too interested in them himself.

Mr. Jamieson: There has been only one sanction authorized in Illinois, and it was given to my school district. It was done by the officials of the Illinois Educational Association--judge, jury, and the like. They got a sanction because the school board would not give exclusive bargaining rights to one group. We have proportional representation.

If we were to take throughout America the position that Mr. Melley did, we would have complete anarchy. Just because you do not like a law, because it does not serve your purpose, you have no right to violate it. I just raise the question of whether such action anywhere is justifiable. I do not apologize for school boards because I think some of them ought to catch all the "hell" they are getting. But I do not underestimate the fact that the kind of education you have in a community stems from the climate your board established in that community. It tries to establish the price of education. Some communities are not willing to pay the price; some boards are not willing to pay the price. I think that, as far as the quality of education is concerned, boards have been maligned too far. Please remember that, unlike school teachers who have tenure, boards do not have tenure. There is always the opportunity for the teacher organization, in the service of the children of that community, to point out to the public that the board does not serve the welfare of the children and, therefore, should be recalled. That is the American way of doing it, not by anarchy.

Dr. Donovan: We had a strike in our city this year that I think was the most unjustified action teachers ever took. In our city the teachers won through bargaining and mediation the total package that they got after the strike with the exception of $150.00 out of $1,750.00. They had already won $1,600.00 when they went on strike. At the end of the 14-day strike that was up to $1,750.00 and nothing else was won. They had achieved the biggest package they had ever achieved in all kinds of things. But through almost a year of negotiation the pupil was never mentioned.

Question: It does not seem to me that all these strikes necessarily have anything to do with benefits to children. Is this the case?

Dr. Doherty: I think you can distinguish between the Pittsburgh strike, the first New York strike, and the strike at Perth Amboy. These are in the private sector. What they are trying to do is force a collective bargaining election. They had nothing to do with the welfare of anybody but an institution--the American Federation of Teachers.

I think the San Francisco strike is somewhat in that category because California statutes provide for the Federation to participate in a negotiation council. They chose not to participate in a negotiation council but to go their own way and bargain.

Question: Mr. Jamieson, how can you ask teachers to obey every inappropriate law the state legislatures have passed. What kind of civic lesson is that to students?

Mr. Jamieson: Who decides whether the law is inappropriate or not? I am not even a moderate as far as this situation is concerned. Sometimes you do not attack the problem at the source. I think that most of the invectives that I have heard this morning have been directed at individuals rather than the institution. The time has come for school teachers and those who represent their profession to become actively involved in seeing that responsible people serve our boards of education. This would establish a climate with which you could live. And I might add, that how many of the teachers that are here have actively supported the members of the board? It used to be taboo. I do not feel that it is. When we have a referandum we go to the teachers and ask them to support it. I do not see any reason why they cannot support candidates of their own choice. The superintendents, however, have a different position. I would say this, there are other ways to attack the problems rather than the individuals.

CONFERENCE SUMMARY

by

Stanley O. Ikenberry

I have no summary as will become obvious. It would either be arrogant, or foolish, or both to attempt to summarize our conversations of the last two days. For one, I end up with more questions in my mind than answers. Perhaps we all came here knowing more, or thinking we knew more about the issues of school board-teacher relationships than we feel we know now after two days of studying these matters.

Several points were made along the way that struck me with particular potentcy. The concept of power, for example, raised last evening in the banquet speech is one such point. The question was raised, you will recall, as to whether power is a finite or an expanding concept. For example, do boards of education, and administrators, teachers, pupils, and the public gain or lose power and influence each at the other's expense or is there an expanding concept of power which may be applied in these relationships. If we cling to an expanding concept of power, what evidence do we have to show that such is the case? And, if there is indeed a finite or static concept of power, who is to be sacrificed? It is important that we understand the whole concept of "power" and power relationships better than we do.

Another point that came through with particular thrust was the question of school-society relationships. As we have concentrated on school board-teacher relationships, have we given too little attention to the larger question of school-society relationships? To this particular point, the comments yesterday of Superintendent Donovan and in later comments by others a recurring theme can be noted. We may have still another set of issues and another set of questions to be raised and answered with reference to a changing relationship between the school board, administrators and teachers and society at large. Such issues are equally important and will be raised whether or not we wish to raise them. It is likely that the public at large will raise new issues concurrently with the discussions carried out in professional negotiations.

A third area began to emerge in our discussions today and I'll phrase it this way. In an educational system which does not adequately diagnose, treat or relieve the basic educational differences of a large proportion of our youngsters today and in a time when youngsters in school systems across this country do not receive the kind of quality of education appropriate to their particular needs and handicaps, faced with this dilemma, what are the implications? Will teacher-school board negotiations enhance or retard the resolution of these difficulties?

On the one hand, it is likely that the increased attention currently being drawn to education will result in a kind of "consumer revolt" which may accelerate our normally sluggish self-corrective mechanisms within the profession. On the other hand, we may find the public increasingly interested in experimenting with new structures outside of the school, such as now represented by Job Corps, Head Start, private industry, and others, to meet educational needs.

Whatever the truths our speakers may have unearthed, these remain both tentative and temporary. Tentative in the sense that we have very little evidence to support our notions of "truth" with respect to teacher-school board relationships and temporary in the sense that even the best students of the topic may fully except early disillusionment.

Perhaps the effort is more than justified, however, if the obviously rock-filled road may be smoothed, and the range of errors in judgment and action reduced. New roles and relationships will be developed, hopefully in time to keep pace with the demands of the times.